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# STATEMENT

SUBMITTED BY THE

UNITED STATES OF BRAZIL.

TO THE

PRESIDENT OF THE UNITED STATES  
OF AMERICA

AS ARBITRATOR

UNDER THE PROVISIONS OF THE TREATY CONCLUDED  
SEPTEMBER 7, 1889, BETWEEN BRAZIL AND  
THE ARGENTINE REPUBLIC

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VOL. III

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APPENDIX

DOCUMENTS TRANSLATED INTO ENGLISH  
(DOCUMENTOS VERTIDOS PARA O INGLEZ)

NEW YORK

1894

**The Knickerbocker Press  
New York**

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TREATY OF MADRID,  
13TH OF JANUARY, 1750,  
BETWEEN  
PORTUGAL AND SPAIN.



TREATY OF MADRID,  
13TH OF JANUARY, 1750,  
BETWEEN PORTUGAL AND SPAIN.<sup>1</sup>

TREATY OF LIMITS OF CONQUESTS BETWEEN THE MOST  
HIGH AND MOST POTENT PRINCES DOM JOÃO THE  
FIFTH, KING OF PORTUGAL, AND DON FERNANDO THE  
SIXTH, KING OF SPAIN, SIGNED ON THE 13TH OF  
JANUARY, 1750, AT MADRID, AND RATIFIED AT LISBON  
ON THE 26TH OF THE SAID MONTH, AND AT MADRID  
ON THE 8TH OF FEBRUARY OF THE SAME YEAR.

(Translated from the Portuguese.)

*In the Name of the Most Holy Trinity.*

THE MOST SERENE KINGS OF PORTUGAL AND SPAIN,  
wishing effectively to consolidate and make closer  
the sincere and cordial friendship they profess for each  
other, have considered that the means most conducive to  
the attainment of so salutary a purpose are to re-  
move all pretexts and clear away all impediments  
that may in future impair it, and particularly such as may  
arise with reference to the Boundaries in America of the  
two Crowns, whose Conquests have advanced with uncer-  
tainty and doubt, *because, until now, the true*  
*Boundaries of those Dominions, or the position in*  
*which must be imagined the Divisional Line,*

Preamble.

The imagi-  
nary divi-  
sional line.

<sup>1</sup> Printed at Lisbon in 1750 both in Portuguese and in Spanish. Reproduced in the Collections of Treaties of BORGES DE CASTRO, CANTILLO, PEREIRA PINTO, and CARLOS CALVO. Only the Preamble and Article the 5th have reference to the question submitted to the Arbitrator. This Treaty was annulled by that of 12th February, 1761.

*which was to be the unalterable principle of the demarcation for both Crowns, have not been ascertained. And considering the invincible difficulties which would arise if this Line had to be marked with the requisite practical knowledge, they have resolved to examine the reasons and uncertainties that may be urged by both parties, and, in view of them, to conclude an agreement to their mutual satisfaction and convenience.*

ON THE PART OF THE CROWN OF PORTUGAL it was alleged that, inasmuch as it was to reckon the one hundred and eighty degrees of its demarcation from the Line to the East, the other one hundred and eighty to the West remaining for Spain; and while each one of the Nations was to make its discoveries and establish its Colonies within the one hundred and eighty degrees of its demarcation; nevertheless it is found that, according to the most exact and recent observations of Astronomers and Geographers, beginning to count the degrees to the West of the said Line, the Spanish Dominion at the Asiatic extremity of the South Sea extends to many more degrees than the one hundred and eighty of its demarcation; and that consequently it has occupied a much larger space than any excess attributed to the Portuguese can amount to in that which perhaps they may have occupied in South America to the West of the same Line, and at the beginning of the Spanish demarcation.

It was also alleged that by the Deed of Sale with an agreement as to repurchase (*com pacto de retrovendendo*) entered into by the Attorneys of the two Crowns at Saragossa on the 22d of April, 1529, the Crown of Spain sold to the Crown of Portugal all that by whatsoever means or right appertained to it to the West of another imaginary Meridian Line, through the Velas Islands,<sup>1</sup> situated in the South Sea, at a distance of 17° from Maluco,<sup>2</sup> with the declaration that if Spain allowed and did not prevent its subjects from navigating to the Westward of the said Line, then the agreement as to repurchase should at once be rescinded and become

<sup>1</sup> Marianne or Ladrões Islands.

<sup>2</sup> Moluccas Islands.

void; and that when any Spanish subjects, through ignorance or through necessity, should pass within the Line, and discover any islands or lands, whatever might be so discovered should belong to Portugal. That notwithstanding this convention, the Spaniards subsequently proceeded to discover the Philippines and, in fact, settled therein shortly before the union of the two Crowns, which took place in the year 1580, and on account of which the controversies between the two Nations caused by this contravention ceased; but when they had again separated, the conditions of the Deed of Saragossa gave rise to a new title by which Portugal may claim restitution of or equivalent for all that the Spaniards had occupied to the West of said Line, in violation of that which had been capitulated in the aforesaid Deed.

As to the Territory of the Northern bank of the River Plate, it was alleged that, because of the foundation of the Colonia do Sacramento, a controversy arose between the two Crowns, relative to Boundaries: that is to say, as to whether the lands upon which that fortress was built, were to the East or to the West of the Boundary Line agreed upon in Tordesillas; and, while this question was being decided, a provisional Treaty was concluded at Lisbon on the 7th of May, 1681, by which it was agreed that the aforesaid fortress should remain in the possession of the Portuguese; and that they should have in common with the Spaniards the use and benefit of the lands in dispute. That by Article VI. of the Treaty of peace, concluded at Utrecht between the two Crowns, on the 6th of February, 1715, His Catholic Majesty ceded all action and right he may have had to Colonia and its Territory, the Provisional Treaty being abolished by virtue of cession. That whereas by virtue of the same cession the whole of the disputed Territory was to be delivered to the Crown of Portugal, the Governor of Buenos-Ayres contrived to surrender only the fortress, saying that by Territory he only understood what was within cannon-shot of it, reserving to the Crown of Spain all the other lands in dispute, on which was afterwards founded the Fortress of Montevideo and other estab-

lishments: That this interpretation of the Governor of Buenos-Ayres was manifestly opposed to what had been agreed, it being evident that the Crown of Spain, by means of its own cession, could not be placed in a better position than that in which it was before, in regard to the same thing that it had ceded; and that both Nations, having by the Provisional Treaty been left in common possession and enjoyment of those Plains, there is no more violent interpretation than to suppose that, by means of the cession of HIS CATHOLIC MAJESTY, they were vested exclusively in his Crown.

That inasmuch as that Territory belongs to Portugal by a title different from that of the Boundary Line defined at Tordesillas (that is to say, by the agreement made in the Treaty of Utrecht, in which HIS CATHOLIC MAJESTY ceded his right under the old demarcation), such Territory ought, independently of questions concerning that Line, to be entirely surrendered to Portugal, together with everything which might newly have been built upon it, as having been erected upon foreign soil. Lastly that, assuming that HIS CATHOLIC MAJESTY had reserved the right of offering an equivalent, to the satisfaction of His MOST FAITHFUL MAJESTY, for the said Colonia and its Territory, nevertheless as many years had elapsed since the expiration of the terms fixed for this offer, every pretext or motive, even apparent, for delaying the cession of the same Territory has ceased to exist.

ON THE PART OF THE CROWN OF SPAIN it was alleged that as a Line from North to South was to be imagined three hundred and seventy leagues West of the Cape Verd Islands, in accordance with the Treaty concluded at Tordesillas on the 7th of June, 1494, all the land that might lie within the three hundred and seventy leagues from the said islands to the place where the Line ought to be laid down, belongs to Portugal, and nothing more in this direction; because the one hundred and eighty degrees of the demarcation of Spain must be reckoned thence Westward: and, although, because it is not stated from which of the Cape Verd Islands the three hundred and seventy leagues are to be reckoned, a

Spanish  
claims and  
Portuguese  
encroach-  
ments.

doubt has arisen, and this point is of great interest, seeing that they are all situated East and West with a difference of four and a half degrees; it is certain also that, even if Spain yielded, and consented that the reckoning should begin from the most Westerly, which is named Santo Antão, the three hundred and seventy leagues would scarcely extend as far as the City of Pará, and other Colonies, or Portuguese Capitaincies founded formerly on the coasts of Brazil; and as the Crown of Portugal has occupied the two banks of the River Amazonas, or Marañon, up as far as the mouth of the River Javari, which flows into it by the Southern bank, it clearly follows that it has encroached upon the territory of the Spanish demarcation to the extent of the distance of the said City from the mouth of the said river, the same being the case in the interior of Brazil with regard to the advance inward made by this Crown to Cuyabá and Matto-Grosso.

With regard to Colonia do Sacramento, it was alleged that, according to the most accurate Maps, the place at which the Line ought to be imagined does not reach by a long distance the mouth of the River Plate; and, consequently, the said Colonia with all its Territory lies to the West of it, and within the boundary of Spain, without prejudice to the new right under which the Crown of Portugal retains it by virtue of the Treaty of Utrecht, since restitution by an equivalent was stipulated therein; and although the Court of Spain offered the equivalent within the period prescribed by Article VII., that of Portugal did not accept it; on which account the period was extended, the equivalent being, as it was, proportionate; and the not having admitted it was more through the fault of Portugal than that of Spain.

THESE REASONS HAVING BEEN SEEN AND EXAMINED BY THE TWO MOST SERENE MONARCHS with the replications that were made on both sides, proceeding with that good faith and sincerity which is so becoming in Princes so just, so friendly, and who are related, wishing to maintain their Subjects in peace and quietness, and recognizing the difficulties and doubts which

in all time would complicate this controversy, if it had to be decided by means of the demarcation adjusted in Tordesillas, both because it was not stated from which of the Cape Verd Islands the three hundred and seventy leagues was to be reckoned, and on account of the difficulty of determining on the coasts of South America the two points on the South and North from which the Line was to begin; on account, also, of the moral impossibility of establishing accurately through the center of the same America a Meridian Line; and, lastly, on account of many other almost insurmountable difficulties which would occur in the way of preserving without controversy or encroachment a demarcation regulated by Meridian Lines; and considering at the same time that the said difficulties were perhaps in the past the chief cause of the encroachments set out by both parties, and of the numerous conflicts which disturbed the peace of their Dominions; they have resolved to put an end to past and future disputes, and to forget and desist from all actions and rights that they may have by virtue of the said Treaties of Tordesillas, Lisbon, Utrecht, and the Deed of Saragossa, or of any other grounds whatever which may influence them in the division of their Dominions by a Meridian Line; *and it is their will that for the future the*

*same shall not be further considered, the Boundaries of the two Monarchies being reduced to those which are specified in the present Treaty, it being their desire that two purposes shall be carefully*

Natural boundaries and uti possidetis to be adopted.

*secured by it: The first, and principal one is that the Boundaries of the two Dominions shall be defined, taking as landmarks the best known spots, so that they may never be mistaken or give rise to disputes, such as the sources and courses of rivers, and the most remarkable mountains: The second, that each party shall remain in possession of that which it holds at the present time, with the exception of mutual cessions, which shall be mentioned in the proper place; which cessions shall be carried out for mutual convenience, and in order that the Borders may be as little subject to controversy as possible.*



In order to conclude this agreement, and to define the Limits, the two MOST SERENE KINGS have given to their Ministers on both parts the necessary Full Powers which shall be transcribed at the end of this <sup>Plenipoten-</sup><sub>tiaries.</sub> Treaty, that is to say: HIS MOST FAITHFUL MAJESTY, to His Excellency Senhor THOMÁS DA SILVA TELLES, VISCOUNT DE VILLA NOVA DE CERVEIRA, a Member of HIS MOST FAITHFUL MAJESTY'S Council, and of that of War, Major-General of the Armies of HIS MOST FAITHFUL MAJESTY, and His Ambassador Extraordinary at the Court of Madrid; and HIS CATHOLIC MAJESTY to His Excellency Señor D. JOSEPH DE CARVAJAL Y LANCASTER, Gentleman of the Chamber of HIS CATHOLIC MAJESTY in waiting, Minister of State and Dean of the Council of State, Governor of the Supreme Council of the Indies, President of the Board of Trade and Mint, and General Superintendent of Posts and Messengers within and without Spain: who, after conferring and treating the matter with due circumspection and research, and being well informed as to the intention of the two MOST SERENE KINGS their Masters, and following their orders, have agreed upon that which is contained in the following Articles:

## ARTICLE I.

The present Treaty shall be the only foundation and rule which, in future time, shall be followed for the division and Limits of the two Dominions throughout the whole of America and Asia; and by virtue here- <sup>This</sup><sub>Treaty to</sub> of any right and claim the two Crowns may allege <sup>be the only</sup> as growing out of the Bull <sup>Law con-</sup><sub>cerning</sub> of POPE ALEXANDER VI., of happy memory, and of the Treaties of Tordesillas,<sup>1</sup> Lisbon,<sup>2</sup> and Utrecht,<sup>3</sup> of the Deed <sup>boundaries.</sup> of Sale signed at Saragossa,<sup>4</sup> and of any other Treaties, conventions, and promises, shall be and remain abolished; and the whole thereof, so far as they treat of the Line of demarcation, shall be of no value or effect, as if it had not been

<sup>1</sup> Of the 4th May 1493.—<sup>2</sup> Signed the 7th June 1494.—<sup>3</sup> Of the 13th February 1668.—<sup>4</sup> Of the 6th February 1715.—<sup>5</sup> 22d April 1529.

agreed upon, said Treaties in all other respects remaining of full force and effect; and in the future the said Line shall not again be referred to, nor shall it be used as a means for the decision of any difficulty which may arise concerning Boundaries, but only the frontier which is defined in the present Articles, as the invariable rule, and much less subject to controversy.

## ARTICLE II.

The Philippine Islands, and the adjacent islands, which are in the possession of the Crown of Spain, shall belong to it for ever, notwithstanding any claim that may be alleged on the part of the Crown of Portugal growing out of the provisions of the said Treaty of Tordesillas; and in spite of the conditions contained in the Deed signed at Saragossa on the 22d of April, 1529; and the Crown of Portugal shall not be entitled to recover any part of the price which it paid under the Sale effected by the said Deed, to which effect HIS MOST FAITHFUL MAJESTY, in his own Name, and in the name of his Heirs and Successors, makes the most ample and formal renunciation of whatever right that he may have by the expressed principles, or on any other ground, to the aforesaid Islands, and to the restitution of the sum that was paid under the said Deed.

## ARTICLE III.

In like manner, all that the Crown of Portugal has occupied along the river Amazonas or Marañon shall belong to it, together with the territory on both banks of this river, as far as the localities hereinafter referred to, as well as all that it has occupied in the district of Amazon and Matto-Grosso territories. Matto-Grosso, and thence to the Eastward, and Brazil, notwithstanding any claim that may be adduced on the part of the Crown of Spain, because of the provisions of the said Treaty of Tordesillas; to which end HIS CATHOLIC MAJESTY, in his own Name and in the name of his Heirs and Successors, formally abandons and renounces

whatever right and claim, that by virtue of the said Treaty, or by any other title, he may have to the aforesaid Territories.

## ARTICLE IV.

The Confines of the Dominion of the two Monarchies shall begin at the bar formed on the Sea Coast by the rivulet which ends near the Hill of Castilhos Grande, from the skirt of which the Frontier shall continue, seeking in a straight line the highest ground, or the summits of Mountains, whose slopes descend on the one side to the Sea Coast which runs Northward of the said rivulet or towards the Lake Merim, or del Meni; and on the other side, to the Coast, which runs Southward from the same rivulet or towards the River Plate: So that the summits of the mountains may serve as a Boundary of the Dominion of the two Crowns; and so the Frontier shall continue until it meets the principal source and the watershed of the Rio Negro; and by this watershed it shall continue to the principal source of the River Ibicuí, following down the bed of this river to the point at which it empties itself at the Eastern bank of the Uruguay; so that all the lands which slope towards the said Lake or to the Rio Grande de S. Pedro shall remain to Portugal, and to Spain those which slope to the rivers which join the River Plate.

The new  
boundary.

From the  
sea coast to  
the mouth of  
the Ibicuí.

## ARTICLE V.

*From the mouth of the Ibicuí, the Line shall run up the course of the Uruguay until reaching the river Pepirí, or Pequirí, which empties itself by the Western bank of the Uruguay; and it shall continue up the bed of the Pepirí as far as the principal source thereof; from which it shall follow along the highest ground to the principal head of the nearest river that may flow into the Rio Grande de Curitiba, otherwise named Iguaçu. The Boundary shall continue along the bed of the said river near-*

From the Uruguay to the Paraná. The Pepirí.

*est to the source of the Pepiri, and, afterwards, along that of the Iguaçu, or Rio Grande de Curitiba, until the point where the same Iguaçu empties itself by the Eastern bank of the Parand; and from that mouth it shall go up the course of the Parand, to the point where the Igurey joins it on its Western bank.*

## ARTICLE VI.

From the mouth of the Igurey it shall continue up the bed of this river as far as its principal source; and thence it shall run in a straight line, along the highest ground, to the principal head of the nearest river that flows into the Eastern bank of the Paraguay, which, perhaps, will be that which is named Corrientes, and it shall go down the bed of this river as far as its entrance into the Paraguay, from which mouth it shall ascend by the principal channel the Paraguay presents in dry season, and following up its course until reaching the marshes which this river forms, called the Lake dos Xarais, it shall cross this Lake, going as far as the mouth of the river Jaurú.

## ARTICLE VII.

From the mouth of the Jaurú towards the West the Frontier shall follow in a straight line to the Southern bank of the river Guaporé opposite to the mouth of the river Sararé, which flows into the said Guaporé by its Northern bank; provided, however, that if the Commissioners, who are to be sent out for the settlement of the Confines, shall find in the district, when surveying the country, between the rivers Jaurú and Guaporé, other rivers or natural landmarks by which they can more satisfactorily and with greater accuracy mark the Boundaries in that region, providing always that the navigation of the Jaurú should belong exclusively to the Portuguese, as well as the road they are accustomed to follow from Cuyabá to Matto-Grosso; the two High Contracting Parties consent and approve that it shall be so

located, disregarding any greater or less portion of land that may thereby be made over to either one or the other party. From the point on the Southern bank of the Mamoré which may be assigned as the terminus of the Line, in the manner that has been already explained, the Frontier shall go down the whole course of the river Guaporé below its union with the river Mamoré, which rises in the Province of Santa Cruz de la Sierra and crosses the Mission of the Moxos, the union of these two rivers forming the river named da Madeira, which enters that of the Amazonas, or Marañon, by its Southern bank.

## ARTICLE VIII.

It shall go down the course of these two rivers, now united, to the spot situated at an equal distance from the said river of the Amazonas, or Marañon, and the mouth of the said Mamoré; and from that spot it shall continue straight Westward until it reaches the Eastern bank of the Javari which enters the river Amazonas by its Southern bank; and going down the bed of the Javari as far as the point where it flows into the river of the Amazonas or Marañon, it shall follow down the course of this river as far as the Westernmost mouth of the Japurá, which flows into its Northern bank.

To the Japurá in the Amazonas.

## ARTICLE IX.

The Frontier shall continue along the middle of the river Japurá, and of the other rivers that join it and which have the most Northerly direction, until it meets the crest line of the mountain ridge which lies between the river Orinoco and that of the Amazonas or Marañon; and it shall follow along the summits of those Mountains towards the East as far as the Dominion of the two Monarchies may extend. The persons appointed by the two Crowns to locate the Boundaries in conformity with the provisions of the present Article shall take particular care to mark the Frontier in this part, going up from the Westernmost mouth of the Japurá, in such manner that the settle-

Northern frontier.

ments which the Portuguese now have on the banks of this river and of the Negro, as well as the communication or channel they use between these two rivers, may remain covered, and that the Spaniards may not, under any pretext or interpretation, enter them or the said channel; nor the Portuguese go up the river Orinoco nor spread over the Provinces settled by Spain, nor in the unsettled territories which, according to the present Articles, shall belong to it; to which effect they shall locate the Boundaries by Lakes and Rivers, straightening the Border Line, towards the North as much as possible, taking no heed of any little gain or loss in territory to either Crown, provided the purposes already referred to are attained.

## ARTICLE X.

All the Islands that may be found in any of the rivers along which the Boundary shall pass, according to the provisions of the preceding Articles, shall belong to the Dominion to which they are nearest in the dry season.

**Fluvial  
Islands.**

## ARTICLE XI.

At the same time that the Commissioners appointed by the two Crowns are locating the Boundaries along the whole Frontier, they shall make the necessary observations for the construction of a detailed Map of the whole thereof, from which shall be taken such copies as may appear necessary, signed by all the Commissioners, and which shall be kept by the two Courts, in order to serve in case of any dispute arising in the future on account of any infraction whatsoever; in which case, or in any other, they shall be considered as authentic and shall constitute conclusive proof. And in order that not even the slightest doubt may arise, *the said Commissioners shall, by common accord, give names to Rivers, and Mountains that have not any, and shall mark everything on the Map as minutely as possible.*

**Maps. New  
names to  
rivers and  
mountains.**

## ARTICLE XII.

Due regard being had to the common interest of the two Nations, and in order to avoid for the future any kind of controversy, the mutual cessions contained in the following Articles have been agreed upon and determined.

**Mutual  
cessions.**

## ARTICLE XIII.

HIS MOST FAITHFUL MAJESTY in his own Name, and in the name of his Heirs and Successors, forever cedes to the Crown of Spain Colonia do Sacramento, and all the Territory adjacent thereto, on the Northern bank of the River Plate, as far as the Confines defined in Article IV., and the Forts, Ports, and settlements, which are included in the same region; as well as the navigation of the same River Plate, which shall pertain exclusively to the Crown of Spain; and in order that this may have effect, HIS MOST FAITHFUL MAJESTY renounces all and every right and claim which may have been reserved to his Crown by the Provisional Treaty of the 7th of May, 1681, and any possession, right, and claim that may belong to him by virtue of Articles v. and vi. of the Treaty of Utrecht of the 6th of February, 1715, or through any other convention, title, or reason.

## ARTICLE XIV.

HIS CATHOLIC MAJESTY in his own Name, and in the name of his Heirs and Successors, for ever cedes to the Crown of Portugal all that on the part of Spain is occupied or by any title or right may belong to him in any part of the territories which by the present Articles are declared to belong to Portugal, from the Hill of Castilhos Grande and its Southern skirt, and the Sea Coast, as far as the watershed and principal source of the river Ibicuí; and he also cedes all and whatsoever settlements and establishments may have been founded by Spain in the angle of land included between the Northern bank of the river Ibicuí and the Eastern bank of the Uruguay, and such as may have been founded on the

Eastern bank of the *river Pepiri*, and the Village of Santa Rosa, and any other that may have been established by Spain upon the Eastern bank of the river Guaporé. And in the same manner HIS MOST FAITHFUL MAJESTY cedes to Spain all the territory which runs from the Western mouth of the river Japurá and which lies between the same river and the Amazonas or Marañon, and all the right to navigate throughout the whole of the river Içá, and all the territory to the Westward of this latter river, including the Village of S. Christovão, and any other whatsoever which may have been founded by Portugal in that tract of land; the mutual surrenders to be effected in the manner following.

## ARTICLE XV.

Colonia do Sacramento shall be surrendered on the part of Portugal, without the withdrawal from it of anything more than the Artillery, Arms, Powder, and Ammunition, and Vessels in the service of the said fortified town; and the inhabitants shall be allowed to remain freely within or to withdraw to other lands under Portuguese rule with their effects and movables, and to sell their real property. The Governor, Officers, and men shall also remove all their goods, and shall be equally free to sell their real property.

## ARTICLE XVI.

From the Town or Villages surrendered by His Catholic Majesty on the Eastern bank of the river Uruguay, the Missionaries shall come forth with all their movables and effects, taking the Indians with them in order that they may settle them in villages in other lands belonging to Spain; and the said Indians also shall have liberty to take away all their movables, also the Arms, Powder, and Ammunition they may have; and so their Villages shall be surrendered to the Crown of Portugal with all their Houses, Churches, and Buildings, and the ownership and possession of the soil. Those which are ceded by THEIR MOST FAITHFUL AND CATHOLIC MAJESTIES on the banks of the rivers *Pequiri*, Guaporé, and Amazonas, shall be surrendered under the same circum-



stances as Colonia do Sacramento, according to the provisions of Article XIV. ; and the Indians of each party shall have the same freedom to go or stay in the same manner and with the same rights as the inhabitants of the aforesaid fortified town may have, except that those who go shall lose such property as they may have in real estate.

## ARTICLE XVII.

In consequence of the Frontier and Boundaries defined in the preceding Articles, the Hill of Castilhos, together with its Southern skirt, shall belong to the Crown of Portugal, which may fortify it and maintain a guard there, but without the right to people it ; both Nations continuing to have the common use of the Bar or Creek, which is formed by the sea there, and which was referred to in Article IV.

## ARTICLE XVIII.

The Navigation of that part of the rivers through which the Boundary is to pass, shall be common to the two Nations ; and, generally, where the two banks of rivers shall belong to the same Crown, the navigation shall belong to it exclusively ; and the same shall be understood as to the right of fishing in said rivers, being common to the two Nations when the right of navigation is common, and exclusive when the navigation is so ; and as to the summits of the Mountain Ranges which are to form the Boundary between the river Amazonas and the Orinoco, all the slopes that fall towards the Orinoco shall belong to Spain, and to Portugal all those that fall to the river Amazonas or Marañon.

## ARTICLE XIX.

Along the entire Frontier trading between the two Nations shall be prohibited and contraband, the laws relating thereto already promulgated by the two Crowns remaining in force and vigor ; and, besides this prohibition, no person whatsoever shall cross from the Territory of one Nation to that of the other, either by land or water ; nor shall any one under

Fluvial  
navigation.

Commerce  
on the  
frontier.

any pretext or for any purpose whatever navigate either in whole or in part any river that does not belong exclusively to his Nation, or is not the common property of both, without first obtaining the permission of the Governor, or Head Authority of the land to which he is to go, unless he is sent by the Governor of the Territory in which he lives, on some matter of business, in which case he shall carry with him a Passport, and offenders shall be punished with this difference: that if they are taken in foreign Territory, they shall be put in prison, and kept there at the will of the Governor or Head Authority who caused them to be arrested; but if they cannot be arrested, the Governor or Head Authority of the land entered by them shall draw up a Report describing the person and the offence, and shall apply to the Judge of the trespassers, that they may be punished in a like manner. Those shall be exempt from the said penalties who while navigating the rivers along which the Frontier passes shall be compelled to land on foreign ground by any urgent necessity which they can prove. And in order to avoid every occasion for discord, it shall not be lawful, on rivers the navigation of which is common, or on their banks, to erect any kind of Fortification, nor to have guard-ships, nor to mount any Artillery or in any way establish a force which can impede free and common navigation. Neither shall it be lawful for either of the parties to visit or inspect any craft or compel it to come to its bank from the opposite side; and it shall only have the right to restrain and punish the subjects of the other Nation, if they land on their bank; except in cases of inevitable necessity, as has been said.

## ARTICLE XX.

In order to avoid any prejudice that might result therefrom, it has been agreed that on the summits of the Mountains upon which, in conformity with the preceding Articles, the Boundary line runs along the crests, it shall not be lawful for either of the two Powers to erect Fortifications, nor to allow their subjects to make any settlement thereon.

**Mountains  
on the  
frontier.**

## ARTICLE XXI.

War being the principal occasion of abuses and the principal reason for disturbing the best concerted rules, THEIR MOST FAITHFUL and CATHOLIC MAJESTIES desire that if a rupture between the two Crowns should occur (which GOD forbid), all the Subjects of both who are established throughout South America may remain at peace, each living as if there were no such war between their Sovereigns, and without displaying the least hostility, either for themselves alone, or jointly with their Allies. And the promoters and leaders of any invasion, however slight it may be, shall be irremissibly punished with the penalty of death; and any seizure which they may effect shall be restored in good faith and in its entirety. And, in like manner, neither of the two Nations shall grant the shelter of its Ports, and still less permit transit through its territories in South America, to the enemies of the other, whenever they may attempt to avail of them for hostile purposes against it, even though it should be at a time when the two Nations may be at war with each other in other regions. The said continuation of perpetual peace and good neighborhood shall prevail not only on the lands and islands of South America between the adjoining Subjects of the two Monarchies, but also in the rivers, ports, coasts, and on the Ocean Sea, Southward, from the latitude of the Southern extremity of the Island of Santo Antão, one of the Cape Verd Islands; and Westward, from the Meridian which passes through its Western extremity: so it shall not be lawful for any Ship of war, Privateer, or other vessel of either of the two Crowns, within the said Limits, at any time, to attack, insult, or do the least harm to the Ships or subjects of the other; and for any violation contrary to the terms hereto, which may be committed, prompt satisfaction shall be given, anything that may have been seized being restored and transgressors severely punished. Furthermore, neither of the two Nations shall admit into its ports and lands in

Peace to  
be main-  
tained in  
America,  
even in  
case of war  
between  
the two  
Crowns in  
Europe.

said South America, Shipping or Traders, friendly or neutral, knowing that they intend to introduce their commerce within the territory of the other, and to violate the Laws with which the two Monarchs govern their said Dominions. And for the punctual observance of all that is expressed in this Article, both Courts shall give the most efficient directions to their respective Governors, Commanders and Justices: it being well understood that even in case (which is not to be expected) of any incident or negligence contrary to that which is promised and stipulated in this Article, this shall not serve to prejudice the perpetual and inviolable observance of all else that is prescribed by the present Treaty.

## ARTICLE XXII.

In order to define with the utmost possible precision, and so as not to leave room for the slightest future doubt as to the localities through which some sections of the Boundary line ought to pass, in any of those parts which are not distinctly named and specified in the preceding Articles, as well as for the purpose of declaring to which of the Dominions are to belong the Islands that may be found in the rivers serving as frontiers, both THEIR MAJESTIES shall appoint, as early as possible, capable Commissioners who, visiting the whole Border, shall, with the utmost distinctiveness and clearness determine the localities through which the line of demarcation shall run by virtue of the provisions of this Treaty, setting up Landmarks in such places as they may think fit; and that upon which they shall agree shall be valid for ever, by virtue of the Approbation and Ratification by both Their Majesties. But in case they cannot come to an agreement as to any particular locality, they shall render an account thereof to the MOST SERENE KINGS in order that THEIR MAJESTIES may decide the doubt in just and proper terms. It is clearly understood that nothing that the said Commissioners may fail to agree upon shall in any way prejudice the force and observance of the present Treaty; which, independently

of this, shall remain firm and inviolable in its clauses and provisions, and shall serve in the future as a fixed, perpetual, and unalterable law for the Boundaries of the Dominion of the two Crowns.

## ARTICLE XXIII.

Their two MAJESTIES will appoint a day upon which are to be made the mutual surrenders of Colonia do Sacramento together with the adjacent Territory, and of the Lands and Villages included within the cession **Mutual surrenders.** which HIS CATHOLIC MAJESTY makes on the Eastern bank of the river Uruguay, which day shall not be more than a year after the signing of this Treaty; for which purpose, immediately after it is ratified, THEIR MOST FAITHFUL and CATHOLIC MAJESTIES will issue the necessary commands, which shall be exchanged between the said Plenipotentiaries; and so far as concerns the surrender of the other Villages which are ceded by the two parties, it shall be effected at such time as the Commissioners appointed by them may arrive at the places where they are situated, surveying and locating the Boundaries; and those who have to go to these places shall be despatched earlier than the others.

## ARTICLE XXIV.

It is hereby declared that the cessions contained in the present Articles shall not be considered as being agreed upon as exact equivalents for each other; but that they are made with due respect to the whole of that which was controverted or alleged, or was reciprocally ceded, and to the fitness and convenience which at present result to either party; and considering this, the agreement upon and definition of Limits herein expressed were deemed just and reasonable to both, and as such THEIR MAJESTIES approve and recognize them in their own Names and in the name of their Heirs and Successors, and renounce every other claim whatsoever to the contrary; promising likewise that

**Declaration  
regarding  
mutual  
concessions.**

at no time and upon no ground shall that which has been agreed upon in these Articles be disputed; neither upon the pretext of lesion nor any other whatsoever will they claim any other amends or equivalent of their said mutual rights and cessions.

## ARTICLE XXV.

For the further security of this Treaty, the two High Contracting Parties have reciprocally agreed to guarantee the whole Frontier and adjacent lands of their dominions in South America in conformity with the foregoing; and each of them undertakes to help and assist the other against any attack or invasion whatsoever, until he shall in fact remain in peaceful possession and free and entire enjoyment of that of which it was attempted to deprive him; and this undertaking as to the Sea Coast and Countries adjacent thereto, on the part of HIS MOST FAITHFUL MAJESTY shall extend as far as both banks of the Orinoco, and from Castilhos to the Straits of Magellan. And on the part of HIS CATHOLIC MAJESTY it shall extend as far as both banks of the river Amazonas or Marañon; and from the said Castilhos to the Port of Santos. But for all that relates to the interior of South America, this obligation shall be indefinite; and in any case of invasion, or rebellion, each one of the Crowns will aid and assist the other until things have been restored to a peaceful condition.

## ARTICLE XXVI.

This Treaty with all of its clauses and provisions shall be of perpetual force between the two Crowns; in such manner that, even in the event (which GOD forbid) of their declaring war against one another, it shall remain firm and invariable during the same war, and after it, without its ever being reputed as having been interrupted and without necessity for its revalidation. And it shall now be approved, confirmed, and ratified by the two Most

It will not  
be neces-  
sary to  
restore this  
Treaty  
after any  
war.

Serene Kings, and Ratifications shall be exchanged within the term of one month after its date, or earlier if possible.

In witness whereof, and by virtue of the Full Powers which We, the undersigned, have received from our Masters, HIS MOST FAITHFUL MAJESTY the King of Portugal, and HIS CATHOLIC MAJESTY the King of Spain, We have signed the present Treaty, and have caused the Seals of our Arms to be affixed thereto.

Done at Madrid, the thirteenth day of January one thousand seven hundred and fifty.

[L.S.] (Signed) VISCONDE THOMÁS DA SILVA TELLES.

[L.S.] (Signed) D. JOSEPH DE CARVAJAL Y LANCASTER.





**GENERAL INSTRUCTIONS**  
**TO THE**  
**COMMISSIONERS UNDER THE BOUNDARIES**  
**TREATY OF 1750.**



GENERAL INSTRUCTIONS TO THE COM-  
MISSIONERS UNDER THE BOUNDARIES  
TREATY OF 1750.

Nº 1) TREATY OF THE 17TH OF JANUARY  
1751, SIGNED AT MADRID.<sup>1</sup>

(Translated from the Portuguese.)

TREATY BY WHICH WERE DEFINED THE INSTRUCTIONS TO  
THE COMMISSIONERS WHO ARE TO PROCEED TO SOUTH  
AMERICA, SIGNED AT MADRID ON THE 17TH OF JANU-  
ARY OF THIS PRESENT YEAR 1751, AND RATIFIED BY  
THE KING OUR MASTER ON THE 8TH OF MAY, AND BY  
THE CATHOLIC KING ON THE 18TH OF THE SAID  
MONTH AND YEAR.

*In the Name of the Most Holy Trinity.*

THE MOST SERENE KINGS OF PORTUGAL AND SPAIN,  
having happily concluded the Treaty of Limits for their  
Dominions in America, signed at Madrid on the 13th of January of the year 1750, and duly **Preamble.**  
ratified; and desiring that the frontier may be defined with  
the greatest minuteness and precision, so that at no time in  
the future may there be occasion or motive for the slightest  
contention, have agreed by Article XXII. of the said Treaty,

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<sup>1</sup> Translated from the *Chave da Demarcação*, a collection of official copies, authenticated last century, now in the keeping of the Brazilian Special Mission.

The Portuguese text of this Treaty was published in Vol. VII. of the *Collecção de Noticias para a Historia e Geografia das Nações Ultramarinas*, edited by the Royal Academy of Science of Lisbon (1841), and in Vol. III. of BORGES DE CASTRO'S *Collecção de Tratados* (Lisbon, 1856).

This Treaty contains the *General Instructions to the Commissioners charged with the demarcation from the extreme South of Brazil to Matto-Grosso* (See

that Commissioners shall be appointed by both Parties who shall determine with the greatest clearness the localities through which the divisional line and demarcation shall run in accordance and conformity with the terms of the aforesaid Treaty and Articles; and after consideration of the very great extent of territory which is to be surveyed and demarcated, they have agreed that two Parties of Commissioners shall proceed, the one by the Rio Maranhão, or Amazonas, and the other by the River Plate, and they have vested in the said Commissioners the powers which shall be stated at the end of this Instruction, each one appointing on his part trustworthy, intelligent, and zealous persons, so that concurring with those of the other party they shall lay down the boundaries in the manner agreed. And wishing that this shall be done with the harmony and good faith corresponding to the sincerity of their intentions, they have resolved to instruct the aforesaid Commissioners as to what they are to do in the treatment of such cases so far as can be foreseen, also giving them rules and a standard by which they can decide for themselves in those cases which may not be foreseen, to which end We, the undersigned, Ministers of THEIR MOST FAITHFUL and CATHOLIC MAJESTIES, by virtue of the Full Powers which they have vested in us for the principal Treaty, its execution and fulfilment, duly instructed regarding the intentions of THE MOST SERENE KINGS, Our

Masters, have agreed upon the present Articles, *which the Commissioners of the two Crowns who are to proceed by the River Plate shall observe in all and for all.*

The Commissioners  
of the South  
Division.

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Preamble *in fine*). The Brazilian Special Mission is in possession of a copy of the Spanish original. This copy is authenticated by MR. CLAUDIO PEREZ Y GREDILLA, Keeper of the General Archives at Simancas (10th October, 1893), and by MR. STEPHEN BONSALE (12th October), Secretary to the American Legation at Madrid.

*These General Instructions are published in extenso for the sole purpose of showing that there is not in them any mention whatever of the rivers Pepiry and Uruguay-pitã, and still less any indications concerning the position and natural features of the former, as has been asserted by the supporters of the Argentine claim.*

## ARTICLE I.

The Portuguese Commissioners shall proceed to one of the places in the district of Rio Grande de S. Pedro, and the Spanish Commissioners shall sail to Buenos Aires direct. As soon as the Commissioners of one Nationality shall reach their destination, they shall inform those of the other of their arrival as well as of the time in which, more or less, they can be ready to proceed to Castilhos Grandes (which shall be the place of conference between them), regulating their journey according to the information they shall receive in the reply. And, considering that, except by chance, the Commissioners of the two Parties cannot arrive at the same time; and that, as there is no communication between those Colonies, it will be very difficult for them to hear from one another; the first who arrive shall give notice to the Governor of the place to which the second are to go, in order that he may notify it to the latter, and that they may inform the former in the manner provided by this Article.

Starting  
points.

## ARTICLE II.

At the same time the Portuguese shall deliver the commands of HIS MOST FAITHFUL MAJESTY to the Governor of Colonia do Sacramento, in order that he may prepare for the evacuation of that fortress and its stations and settlements on the River Plate; and the Spaniards shall deliver to the Governor of Buenos Aires, to the Provincial of the Company of Jesus of the Province of Paraguay, and to the Superior of the Missions on the banks of the Rivers Uruguay and Paraná, the orders that shall be addressed to them by HIS CATHOLIC MAJESTY to prepare for the evacuation, as speedily as possible, of the Territory and Villages of the eastern bank of the Uruguay, each endeavoring to obtain beforehand information as to the time, more or less, in which both can be ready for the said evacuations, in order to agree

Orders  
to the gov-  
ernor of  
Colonia  
and to the  
Provincial  
of the  
Jesuits in  
Paraguay.

afterwards as to the days upon which the mutual surrenders are to be effected.

#### ARTICLE III.

Before each Party leaves its first meeting-place for Castilhos Grandes, each of them shall obtain, in its own Territory, information as to the escorts, Indian servants, provisions, arms, stores, and ammunition that can be drawn from it, and of the time when they can so be drawn, so that when, afterwards, the Commissioners of both parties meet, they may decide on the number and quantity they may require and on the place and manner to and in which they are to be conveyed; which the Governors shall carry out on notice to be given to them by the Principal Commissioner of their Nationality, to which effect THEIR MAJESTIES will issue corresponding orders, informing them as to what will be taken, what each may require, of the places where it is to be obtained, and of what is to be supplied, with an account certified by the Governors by means of which the amount of the supplies and their conveyance may be vouched for, in order that when the delimitation shall be concluded the accounts of what has been supplied by each party may be balanced and that the difference may be paid in ready money.<sup>1</sup>

**Escorts,  
servants,  
and pro-  
visions.**

#### ARTICLE IV.

As soon as they shall have assembled at Castilhos Grandes, they shall cause a timber house to be erected or a field tent to be pitched on the ground of the two Sovereignities, as provided in the Treaty, in which their conferences shall be held; there shall be in it two opposite entrances, so that the Commissioners of each Nationality shall enter by the ground belonging to their Sovereign; there shall be in it a round table with

**Meeting at  
Castilhos  
Grandes,  
on the sea  
coast.**

<sup>1</sup> "This Article is so modified as to be valid only in the form afterwards stipulated under Article the 3d of the Supplement which was signed at Madrid on the 17th of April of this present year 1751, and which is appended under No. 2."—(*Note of the Portuguese Department of State for Foreign Affairs, 1751.*)

two chairs for the Principal Commissioners, with their backs turned to the door by which each shall enter. If for the more expeditious despatch of the business of which they will have to treat, the Principal Commissioners wish to admit the Second and Third to the conferences, they may do so ; and, in that case, the number of chairs shall be increased and arranged in the same manner at the table so that they shall be seated facing one another, the Principal Commissioners in the middle.<sup>1</sup>

## ARTICLE V.

At these conferences, as well as in the course of visits of courtesy and meetings at which difficulties regarding ceremonial and precedence may arise, they shall not give way to disputes or complaints ; but they shall rather comport themselves as though they were subjects of the same Sovereign, understanding that, in these matters, the honor of the two Crowns is not involved, which only aim at the principal object, which is the carrying out of the Treaty.

Ceremonial  
and pre-  
cedence.

## ARTICLE VI.

If on the information they are to have of the approximate time within which preparation can be made for the evacuation of the Fortresses, Villages, and Settlements which are surrendered by both parties, as they are advised in Article II. of this Instruction, they shall not have sufficient assurance to assign a specified day upon which the mutual surrenders are to be made, each one of the Commissioners shall send to the territory which is ceded to him and is to belong to his Sovereign, in accordance with the Treaty, persons who shall ascertain whether everything is ready and prepared for the surrender ; and on this information they shall assign the precise day upon which it is to be effected on both sides, giving the requisite time and necessary orders that the respective inhabitants may gather their standing crops, and convey such

Surrender of  
territories.

<sup>1</sup> " This clause is modified and amplified by Articles the 1st and 2d of the Supplement."—(*Note from the Portuguese Foreign Office, 1751.*)

of their movable goods and remove such of their cattle as they may wish to take with them.<sup>1</sup>

## ARTICLE VII.

And whereas the two MOST SERENE SOVEREIGNS desire that the inhabitants of the territories to be reciprocally surrendered, may go forth with as little loss as possible in those things that they may be unwilling or unable to remove, the Principal Commissioners shall agree as to the most convenient means whereby the same persons who are to go and ascertain whether preparations are made for the mutual surrenders, as stated in the foregoing Article, can take at a fair price whatever may seem to them useful for the service of either Crown, balancing the value of what is taken in one place against that which shall have been taken in the other, the excess being paid by the Crown to whose debit it shall remain, to which end the accounts of what shall have been taken by both sides shall be compared; and the onus of paying their amounts to their own subjects shall lie with the same Crowns. And considering that at Colonia do Sacramento and in the other settlements of the River Plate which the Crown of Portugal is to surrender, there will be far more movables that it will be difficult to carry than in the Villages of the River Uruguay, which the Crown of Spain is to make over, and that these, or the greater part of them, cannot be useful for the service of HIS CATHOLIC MAJESTY, the Principal Commissioner of Spain will give notice at Buenos-Aires and Monte-Vidio that those who wish to do so may come and buy whatever the inhabitants of Colonia, and of

<sup>1</sup> "This Article is amplified by the *Separate Articles*, in the appended Copy No. 3, regarding the measures which are to precede the preparation of the surrenders; and as to the effect of the same surrenders, it shall be in conformity with Articles 14 and 15 of the present Treaty. And for this reason, in Article 36 of the same, not only did Their Majesties extend the term for the surrenders to the whole of the year 1751, but they also conferred on the Chief Commissioners power to further extend the same term if it be necessary for the said measures which are to precede the mutual surrenders."—(*Note from the Portuguese Foreign Office, 1751.*)



the said settlements, may be willing to sell to them at prices to be agreed upon. But from this sale between private persons those goods shall be excepted which constitute stocks in trade, and if their owners wish to sell them they will be contracted for and taken for HIS CATHOLIC MAJESTY, at fair and current prices without the intervention of any one else in those purchases; and arms, artillery, and munitions of war which the two Crowns may have in the Territories surrendered by them shall, in accordance with the stipulations of Articles XV. and XVI.<sup>1</sup> also be excepted.

## ARTICLE VIII.

The Principal Commissioners shall despatch three Parties of subordinate Commissioners, Astronomers, Engineers, and Geographers, with their Chaplains, Surgeons, Escorts, and such servants as may be agreed upon, according to the requirements of the country through which they will have to pass, each one appointing those who are to go on his behalf, and so that after those of the two nationalities have joined forces, they may proceed to survey the Frontier from Castilhos Grandes to the mouth of the Jaurú, in conformity with the Treaty and with this Instruction. Each Party shall carry with it two copies of the Treaty, printed in the two languages, a Map of that part of the Border which it is the duty of each to survey, and passports signed by the two Commissioners.

Three  
Parties of  
Commissioners.

## ARTICLE IX.

*The First Party shall survey from Castilhos Grandes to the entrance of the River Ibicuy into the Uruguay, as provided in Article iv. of the Treaty. To the Second Party are allotted the Borders which run from the mouth of the Ibicuy to the point which on the Eastern bank of the Paraná lies in front of the mouth of the River Igurei, in accordance with Article v.<sup>2</sup> ;*

Sections of  
the divisional line  
allotted to  
each Party.

<sup>1</sup> "This is taken from the Treaty of Limits of Conquests, printed in Portuguese and in Spanish."—(Note from the Portuguese Foreign Office, 1751.)

<sup>2</sup> This Second Party was to locate the divisional line along the Pepiry and the affluent of the Iguaçu.

and to the Third Party, the remaining borders from the mouth of the Igurei to the River Jaurú, as laid down by Article VI.<sup>1</sup>

## ARTICLE X.

And inasmuch as in some Maps the name and position of the River Igurei have been changed about, and this river was chosen to serve as a boundary on the western bank of the Paraná, it is hereby declared that the first full-flowing river (caudaloso) which empties into the Western bank of the Paraná, above the Salto Grande (Great Falls) of the same Paraná, shall serve as a boundary. And although this river may not have the name of Igurei, it shall be taken as the boundary under whatever name it may have, or a name shall be given to it by common accord; and from its mouth the Third Party shall proceed to mark the boundary to the mouth of the River Jaurú as already provided.<sup>2</sup>

## ARTICLE XI.

When the Third Party shall reach the mouth of the said river, which is supposed to be the Igurei, it shall leave there as visible a landmark as possible, either forming a cairn, or cutting the trees at a certain height, so that the Commissioners of the Second Party, who are to proceed to the demarcation of the Boundary along the opposite bank of the Paraná, may know, when they see that landmark, that the portion of the work which falls to their share is finished.<sup>3</sup>

## ARTICLE XII.

The Third Party, which is to leave this landmark, and to follow up the waters of that river which is held to be

<sup>1</sup> "This Article and those which follow it to Article 13, inclusively, are modified by the Convention appended marked No. 5, signed on the 17th of January, and ratified by the King, Our Master, on the 12th of February of this present year."—(*Note of the Portuguese Foreign Office, 1751.*) The Convention No. 5 referred to above in this Note is the "*Treaty upon the Interpretation of the Geographical Maps,*" etc., given further on under the same No. 5 (page 57).

<sup>2</sup> See preceding Note.

the Igurei, as soon as it reaches its principal source, shall seek the nearest sources running to the Paraguay, whether they form the river which on various Maps goes under the name of Corrientes, or any other which may have its origin in that place; and, following its waters downwards, the same Party shall continue demarcating the Boundary as far as the River Paraguay. And it is hereby declared that the river held to be the Corrientes, is not that one which is known by the same name, and which enters the River Plate above the City of Santa Fé, between the rivers Arias and Santa Luzia, but another and a different river which, to the North of the Tropic of Capricorn, empties itself into the River Paraguay, and, according to the manuscript Map to be delivered to the Portuguese Commissioner, runs at the South side of the river Tepaci.<sup>1</sup>

The river  
Corrientes.

Must not be  
mistaken  
for another  
of the same  
name.

## ARTICLE XIII.

The three said Parties shall start for their destination in the following manner, that is to say: the First, from the beach of Castilhos Grandes; *the Second in boats, up-stream, by the River Uruguay*; the Third also in boats by the River Plate and the Paraná as far as the Salto Grande (Great Falls).<sup>1</sup>

Journey of  
the three  
Parties.

## ARTICLE XIV.

Regarding the mode of evacuation, and the surrender of the Villages which the CATHOLIC KING has ceded to the Crown of Portugal on the Eastern bank of the river Uruguay, and the evacuation and surrender which this Crown is to make of Colonia do Sacramento, and of the other Ports and Settlements of the River Plate, they shall be effected in accordance with the stipulations of Articles xv. and xvi. of the Treaty. And whereas in Article xvi. of the same Treaty it was stipulated that the Missionaries and Indians of the Eastern bank of the Uruguay shall evacuate them completely in order to go and

Evacuation  
and sur-  
render of  
Colonia  
and of the  
Missions  
on the  
Eastern  
side of the  
Uruguay.

<sup>1</sup> See first Note, page 34.

settle in other lands of the Spanish Dominion, they shall endeavor that such evacuation may be effected before the day of the surrender. And the Principal Commissioners shall agree upon a definite period during which they (the said Missionaries and Indians) may remain in the ceded villages, so that, when it shall have expired, they may be compelled to go out before the effective surrender of Colonia; to which end the Commissioner shall take the instructions he may require of the Father Provincial of the Jesuits of Paraguay, or of the Superior of his Missions.<sup>1</sup>

## ARTICLE XV.

The inhabitants of Colonia who at the time of the surrender of the said Fortress, and on its evacuation, may wish to remove to any place within the Dominions of His MOST FAITHFUL MAJESTY will obtain free transit through the Dominions of the Crown of Spain, and passports shall be given to them, as well as any assistance they may ask for, provided they pay the expenses incurred thereby. And the inhabitants who after the day of surrender shall remain at Colonia, shall be considered thenceforward as subjects of Spain.<sup>1</sup>

## ARTICLE XVI.

The said Commissioners shall draw up Regulations which shall be observed by the three Parties, and shall include in them all cases that can practically occur, giving rules for the distribution of victuals, for hunting and fishing, the erection of huts and pitching of camps, as to sentries, marches, and other operations that are to be carried out by the Commissioners of both Nationalities with their joint Parties. The economical management of the Party of each Nationality shall be under the separate charge of its appointed

<sup>1</sup> "These two Articles, 14 and 15, were agreed to in order that the real and effective surrenders might be made after the preceding measures stipulated by Articles 6 and 7 of the present Treaty, and by the convention entitled *Separate Articles*, appended under No. 3."—(*Note of the Portuguese Foreign Office, 1751.*)

Commander. And in case of war with the Wild Indians, the Commander appointed for the week shall assume the command of both Escorts, as will be indicated in Article XVIII.

## ARTICLE XVII.

The Officer commanding each escort shall have the military government of the soldiers of his Nationality, shall have under his exclusive charge all that relates to discipline, shall keep the camps of the two escorts <sup>Commanding Officers.</sup> separate, and shall march them in the same manner. As to the taking of the right or left on the march, and other points of military honor upon which any dispute as to precedence may arise, it shall be arranged that the escorts shall serve by turns in the most honorable post, a change being made every day.

## ARTICLE XVIII.

In case of war with the Indians, the Commander on duty for the week, whether he be Portuguese or Spanish, shall assume the leadership of the two escorts, the Commander of either of the two Parties whose turn it <sup>War with the Indians.</sup> may be to assume command for the week having the absolute direction (only in this case of war or of well founded expectation thereof); and the Parties shall take up the position that falls to them in their turn for the day, in the manner aforesaid, and lots shall be drawn to decide which Commander and escort are to take the first turn from the first day of their junction.<sup>1</sup>

## ARTICLE XIX.

And in order that there may be no remark as to the carrying out of the provisions of the preceding Article, THEIR MAJESTIES will endeavor that the Commanders of the escorts may be of equal rank, and will forbid that either of them shall claim the command of both escorts on the ground of seniority or on any other, except that they are to <sup>Rank of commanding officers.</sup>

<sup>1</sup> "These three articles, 18, 19, and 20, are also modified and reduced to the precise terms of Art. 4 of the said *Supplement*."—(*Note of the Portuguese Foreign Office, 1751.*)

serve by turns in the precise manner described. But seeing that in case of death or through some other accident it may happen that the Commander of one troop may be of inferior rank to the Commander of the other, it is the will of THEIR MAJESTIES that if this happen the directions conveyed by this Instruction shall be literally observed, and that the Commander of higher rank shall not fail to take the subordinate position when it is the turn of the officer of lower rank to take command, it being his duty to consider that in such command titles are equal, regardless of military rank.'

## ARTICLE XX.

It is hereby declared that the provisions regarding the military government and command of the escorts, and the alternation in case of war which by the foregoing Articles is to affect their Commanders, are to be understood when the Principal Commissioner of the Party is not a military officer, inasmuch as if he be in the service he will have the powers provided by the said Articles, and the Commander of the escort will be under his orders. And it is also hereby declared that the Principal Commissioner of Spain shall give passports with safe-conducts to the troops which are to pass through the Dominions of this Crown, commanding that assistance may be given to them in all their needs; and that all such persons as evade this duty or cause them any hindrance shall be severely punished, to which end HIS CATHOLIC MAJESTY will give the requisite commands.'

## ARTICLE XXI.

In matters concerning offences, the following difference shall be observed. Offences committed by individuals of both Nationalities shall be dealt with summarily with the assistance of the Commissioners of both, and shall be referred to the Chief Commissioners in order they may determine on a penalty corresponding to the offence and may cause it to be

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<sup>1</sup> See Note page 37.

applied. If the offence be slight, it shall be punished by the Commissioners of the Party in which it was committed, who shall impose on the culprit such penalty as may be provided by law or an arbitrary penalty when none is so provided. And in order that there may be no doubt or remark, the two MOST SERENE KINGS grant unto their Principal Commissioners all lawful jurisdiction which they shall exercise on all individuals of the Parties, and persons attached to the expedition, both in criminal and civil matters in which they may be concerned during the said expedition, and while they are united, with the power to impose and cause to be executed, even the penalty of death, without appeal, in cases requiring prompt punishment as a deterrent ; and they grant them the power and impose on them the duty of delegating it to the Chief Commissioners who are to accompany each Party ; but they are all warned that whenever they may have to try any criminal or civil cause between persons of the two Nationalities they must cast off all natural bias and judge foreigners and those of their own nation with impartiality, concerning themselves only with justice, the peace of the Parties, and the success of the expedition, seeing that otherwise THEIR MAJESTIES will consider themselves very unfaithfully served.

## ARTICLE XXII.

If the offence shall have been committed between persons of the same Nationality, their Commissioner, with such Assistants as may have been appointed by the Principal Commissioner, shall punish it. And in the case of a military offence, the Commander of the offender shall punish him when the Commissioner is not in the military service.

## ARTICLE XXIII.

In order that the Commissioners of each Party may have a definite rule for their guidance, the Principal Commissioners shall embody in the above-named Regulations a Schedule of Penalties defining the punishment to be im-

posed on any one wounding, killing, or molesting another by deed or word, according to the gravity of the offence. And before the departure of the expedition the said penalties shall be published, as well as the orders issued to the Commissioners to enforce their strict execution. But the same Commissioners are cautioned against causing the death penalty or any other blood penalty to be carried out, except when they see that there is no recourse but that of a prompt execution by which some very grave disorder or commotion between the two Nations can be avoided, and they must be mindful that in uninhabited places so distant there can be no more powerful incentive to grave excesses than for men to see their comrades executed. Wherefore they shall particularly admonish the Commissioners attached to the Parties that, in all cases in which prompt punishment is not indispensable, they shall commit the accused for trial in the manner stated in Article XXI.

## ARTICLE XXIV.

Notwithstanding the provisions of the foregoing Articles, it is the Will of THEIR MAJESTIES that if the Principal Commissioners find that, considering the nature and situation of the countries, any of the aforesaid provisions for the management of the Parties, the committal of the accused, and the punishment of offences may be inconvenient in practice, they shall take such measures as may seem most expedient to them for the repression of excesses and the preservation of peace and concord, which Their Majesties so much desire, and for the attainment of which they confer on them all necessary powers.

## ARTICLE XXV.

In the aforesaid ordinance the following heads shall be included. That the Commissioners, Geographers, and other intelligent persons in each Party shall record the directions and distances of the route; the natural features of the country; its inhabitants and their customs; the animals, plants, fruits, and other products;

**Technical  
duties.**



the rivers, lakes, mountains; and other characteristics worthy of notice, giving names by common accord to such as have not any, in order that they may be inserted in the Maps with the utmost clearness; and they shall endeavor to make their work accurate not only with reference to the demarcation of the Boundary and the geography of the country, but also that it may be profitable to all that may promote the advancement of Science, Natural History, and Physical and Astronomical observations.

## ARTICLE XXVI.

That the duty of recording all the said information shall be distributed amongst the different persons of both Nationalities according to their fitness and aptitude, so that they may fulfil it more accurately and easily.

## ARTICLE XXVII.

That daily, at noon, the Geographers and Astronomers of both Nationalities shall take the Sun's altitude and note the variation of the compass; and that at night, weather and other circumstances permitting, they shall take Astronomical observations to ascertain the Longitude and to verify other land positions.

## ARTICLE XXVIII.

That along the whole Frontier wherever it is not formed by rivers, or by the crests of mountains or watershed lines that have been defined in the Treaty, they shall leave such posts, marks, or signals as may seem to them most proper and durable, so that no doubt may at any time arise as to the situation of the Boundary Line, and they shall do so either by making mounds of earth or stone, or by setting the carved landmarks which are being sent, wherever, for greater certainty, they deem it to be necessary. And, in ascending rivers along which the Treaty places the Boundary, when they come to two branches uniting to form the

same river, they shall always continue up that one which may have the greatest volume of water. And, in like manner, wherever, according to the Treaty, the Boundary is described as following a river down-stream, if they find that this divides into two branches, the Boundary shall be continued along the fuller of the two.

ARTICLE XXIX.

That every day during the hours of rest the said information shall be collected and compiled in two diaries which shall be sent to the two Courts, signed and certified by the Commissioners, Astronomers, and Geographers of both Nationalities.

ARTICLE XXX.

That these Astronomers and Geographers shall proceed, also, every day, and by common accord, to the construction of the Map provided for in Article XI. of the Treaty, including therein the country through which the Boundary Line passes, and all that they personally observe or of which they may have trustworthy information; but they shall distinguish in the Map, by a line, that which they record from their own observations from what they arrive at by computation or information, bearing in mind that all that has reference to the Boundary must be verified by themselves. Of this Map they shall go on making two copies daily, never leaving this task over from one day to the following. And upon the completion of the demarcation by each Party, such copies shall be made as may be determined by the Chief Commissioners, signed and authenticated by the Commissioners, Astronomers, and Geographers of both Nationalities, to be sent to the two Courts for the purpose set out in the said Article XI. And in order that these Maps may be intelligible and clear, the Chief Commissioners shall take care that they are all constructed to the same scale, that an Inch of the Parisian King's Foot shall represent the twentieth part of a Degree of the circle of the Equator, which (twentieth of a degree) is reputed to be equal, more or less, to 2,900

Parisian Toises, 6,500 Spanish Varas, 26,000 Palmos (spans), or 2,600 Braças (fathoms) of Portugal. The same instructions are given to the Commissioners to the North, so that the measurements of one expedition may agree with those of the other.

## ARTICLE XXXI.

*That the Commissioners shall avoid contentions regarding the demarcation, especially on matters of little importance, and that they should rather settle at once among themselves any differences that may arise, because it is not the intention of THEIR MAJESTIES that any part of the work shall be left incomplete without very weighty reasons, nor shall the Commissioners take into consideration any small portion of territory, provided the Line is located by the most visible and lasting natural Boundaries.* But whenever they may be absolutely unable to agree, on account of the great importance of the matter in controversy, separate Maps shall be constructed of the point contested, which shall be accompanied by documents signed by the Commissioners, Astronomers, and Geographers of both parties, in which they shall explain the reasons for their divergence of opinion, and which shall be remitted to the two Courts for the amicable settlement of the question. And, notwithstanding this, the Party shall proceed with the demarcation of the remaining portion of the Boundary.

Commissioners shall avoid contentions.

## ARTICLE XXXII.

Besides the said provisions, the Principal Commissioners shall include in the Regulations all such others as they may consider expedient for the more convenient despatch of the Parties and to assure their peacefulness, concord, and good government; and each Commissioner shall indicate to those of his Nationality the road by which they are to retire when the demarcation in which they are concerned shall be finished.

Other Instructions.

## ARTICLE XXXIII.

They shall exercise the greatest care in the preparation and conveyance of the victuals, in order that they may be supplied punctually to the said Parties at the times and places appointed.

## ARTICLE XXXIV.

The two Principal Commissioners shall survey and demarcate jointly the spot on the sea-coast where the two Dominions begin to divide, placing there one of the wrought landmarks which are to be sent for that purpose. From the said landmark, as a fixed starting-point they will proceed to survey and demarcate in like manner the Southern border of the foot of the Hill of Castilhos Grandes, travelling along it, and, by common accord, setting up such of the said landmarks at the spots that may seem to them most suitable as far as the crests of the mountains which they will have taken for their guidance, without regard to their direction; from the higher places forming the beginning of the watersheds of the streams which come down from the said crests, that is to say: on the part of the Dominions of Portugal, in the direction of Lake Merim; and on the part of the Dominions of Spain, in the direction of the River Plate. In the same manner they shall continue to survey and demarcate personally all the remainder of the Boundary Line as far as they can conveniently inspect it, and as it may seem necessary for them to accompany the First Party. And as the Creek of Castilhos Grandes is to serve for the common use of the two nations, they shall have it fathomed, surveying and noting most accurately and minutely not only its capacity but also the Islands and sunken rocks of the same Creek.

## ARTICLE XXXV.

If it be compatible with the performance and execution of the charge laid upon the Principal Commissioners that the one who is appointed by HIS MOST FAITHFUL MAJESTY should

go and receive personally from the Spaniards surrender of the Eastern Territory of the River Uruguay, and that the Commissioner appointed by HIS CATHOLIC MAJESTY should go and receive from the Portuguese surrender of Colonia and the Settlements of the River Plate, they shall so carry it out, laying the duty of its government upon such person as Their Majesties may appoint, and, failing such appointment, ad interim, upon whomsoever they may think fit. And if they cannot go there in person, they shall depute some reliable person who shall receive possession of the said villages and settlements in their name. In any case they shall endeavor to get through what they have to do in Castilhos Grandes, and they shall determine jointly as to the spot or locality in the two Dominions to which it will seem most expedient to transfer their residence, and stay together, in order to despatch provisions and to take such measures as may be rendered necessary by any events or accidents that may happen to the Parties, informing them of the place where they are to reside.<sup>1</sup>

## ARTICLE XXXVI.

And whereas it is not possible to effect the mutual surrenders within the period of one year appointed by Article XXIII. of the Treaty, on account of the necessary delay there has been in the despatch of this expedition, and in consideration of the numerous preparations that must precede the execution of the mutual surrenders; THEIR MAJESTIES have determined to extend the said term over the whole of the year 1751 by means of a formal Act<sup>2</sup> signed by the Ministers of the two Crowns, and ratified by the two Sovereigns. But this notwithstanding, it is their desire that such surrenders shall be effected earlier, if possible.

<sup>1</sup> "This Article is also modified and reduced to the precise terms of Article 5 of the *Supplement*."—(*Note of the Portuguese Foreign Office, 1751.*)

<sup>2</sup> "This instrument is that which was signed on the 17th of January, and was ratified by the King, Our Master, on the 12th of February, and by His Catholic Majesty on the 18th of April of this present year."—(*Note of the Portuguese Foreign Office, 1751.*)

And if through any casualty, by sea or land, the surrenders cannot be carried into execution during the whole of the said year, THEIR MAJESTIES concede to the Principal Commissioners the power to defer them again,' but by no longer than the time necessary for their execution; because it is their Intention that nothing shall suspend the execution of the Treaty.

## ARTICLE XXXVII.

The boats that convey the Commissioners shall be under command of the Principal Commissioners; and, as soon as the said surrenders shall have been effected, they shall despatch that one which shall seem the best with the news of it, and by that boat they shall send the prisoners to the two Governments, or they shall vary this provision according to such orders as may be communicated to them; and on the completion of the whole work they shall all withdraw to their respective destinations.

Everything contained in this Instruction shall be executed as determined therein; and it will now be approved, confirmed, and ratified by the two MOST SERENE KINGS, and the ratifications shall be exchanged within one month, or earlier, if possible. *It is hereby declared that if the aforesaid Commissioners find any difficulty in any of the points of this Instruction, or if they discover a manner of carrying them out with greater facility, or if they find any inconvenience in the execution of any one or more of them, in all and in each of these cases they shall decide on and carry out what may seem to them to be best, provided they attain the principal object, which is the execution of the Treaty with sincerity and good faith, without forced interpretation, nor excuse, and in a manner becoming to the service of THEIR MAJESTIES.*

In Witness whereof, and by virtue of the commands and

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<sup>1</sup> "This power was given in consideration of the difficulties and measures which must precede the mutual surrenders; and for this reason has reference to Articles 6, 14, and 15 of the present Treaty, and to the other Convention entitled *Separate Articles*, in the appended Copy under No 3."—(*Note of the Portuguese Foreign Office, 1751.*)

powers we have received from the Kings, our Masters,  
We have signed the present Instruction and have sealed it  
with the seal of our Arms. Madrid, the 17th of January,  
1751.

BDE THOMÁS DA SILVA                      JOSEPH DE CARVAJAL  
[L. S.]                      TELLES.                      [L. S.]                      Y LANCASTER.

*Here follows the "Supplement," and after it come the  
ratifications by the two respective Monarchs.*

*True Copy.—The Chief Clerk of the Department in the  
absence through sickness of the Secretary of State.*

(Signed)                      JOSÉ PEREIRA LEÃO.

**Nº 2) SUPPLEMENT TO THE TREATY OF THE  
17TH JANUARY, 1751, DEFINING THE INSTRUCTIONS TO THE COMMISSIONERS.<sup>1</sup>**

(Translated from the Portuguese.)

SUPPLEMENT AND DECLARATION OF THE TREATY REGULATING THE INSTRUCTIONS TO THE COMMISSIONERS WHO ARE TO PROCEED TO SOUTH AMERICA, SIGNED AT MADRID ON THE 17TH OF APRIL, 1751, AND RATIFIED BY THE KING, OUR MASTER, ON THE 8TH OF MAY AND BY THE CATHOLIC KING ON THE 18TH OF THE SAID MONTH OF THE SAME YEAR.

**W**HEREAS IT HAS BEEN FOUND THAT THE ABOVE WRITTEN TREATY REQUIRED TO BE SUPPLEMENTED AND EXPLAINED in order to avoid any doubts and difficulties that might arise in future regarding a demarcation of Countries so extensive, and which is to be effected in places so remote, in which there cannot be easy recourse to the Religion and forethought of the two CONTRACTING MAJESTIES: The same two Plenipotentiaries have moreover agreed by common accord that the above written Treaty should be amplified and explained by the Articles hereunder expressed which are to form an integral part of the same Treaty in the following manner.

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<sup>1</sup> Translated from the *Chave da Demarcação* (see Note, page 27). The Portuguese text of this *Supplement* was published in the *Collecção de Noticias para a Hist. e Geog. das Nações Ultramarinas*, Vol. VII. (1841), in BORGES DE CASTRO'S *Collecção de Tratados*, Vol. III. (1856), and in C. CALVO'S *Recueil*, Vol. II. (1862).

*This document contains nothing with reference to the questions involved in the Case under consideration.*



## ARTICLE I.

Regarding Article IV. of the said Treaty it is hereby declared that the conferences shall be held only between the two Principal Commissioners, and that the Second and Third Commissioners of neither Party shall be admitted to them.

## ARTICLE II.

In the same Article IV. of the said Treaty it is added that the first interview that the said Commissioners will have in the timber house or field tent therein referred to, shall take the place of the first visit between them.

## ARTICLE III.

Article III. of the same Treaty is hereby declared to be in force in the following manner. The two respective Principal Commissioners shall exercise the greatest care regarding victualling, conveyance, service men, and other stores for the Parties of Sub-Commissioners of which mention will be made hereunder, inquiring carefully as to the places and times where and when it will be expedient to deliver them, and taking the necessary measures that all may be ready on the first advice and may be sent wherever it may be expedient as in their conferences they shall afterwards agree. And they shall give the necessary orders to the Governors and Commanders of districts, their subalterns, to prepare the Indian soldiers and negro servants who are to accompany the said Parties, the same two Principal Commissioners by common accord determining their number both of soldiers and servants, as well as the arms and stores that are to be sent for the escort and convenience of each of the above-named Parties as provided under Article VIII. of the same above-written Treaty.

## ARTICLE IV.

It has been agreed that, for the sake of greater brevity and clearness, Articles XVIII., XIX., and XX. of the said above-written Convention should be reduced to the precise

terms of the following words: From among the persons who are to compose each one of the respective Parties, the two Principal Commissioners shall appoint one commander of the whole of it, taking into consideration the rank of their commissions, when there is no formal appointment by each one of their two CONTRACTING MAJESTIES regarding it. In case of death or impediment, they will also determine, according to rank, the Officers who are to take the command of the said Parties.

And considering that the two Commissioners who are appointed to the second and third places by the two respective Sovereigns are to go in the second and third Parties as Chief Commissioners; HIS MOST FAITHFUL MAJESTY and HIS CATHOLIC MAJESTY concede to Their Principal Commissioners, GOMES FREIRE DE ANDRADA and the MARQUIS DE VAL DE LIRIOS, all power and necessary faculty to appoint the first and second Commissioners of the said two Parties whenever they shall not have been individually appointed by both or either of the said Sovereigns; and the said GOMES FREIRE DE ANDRADA and the MARQUIS DE VAL DE LIRIOS shall ask and require the Governor and Officers of the respective Dominions in America to place at their orders for the said purpose such men as may seem to them most suited and experienced, who shall not have the option of refusing to serve under any pretence whatsoever.

#### ARTICLE V.

Article xxxv. of the said above-written Convention has been declared and reduced also to the terms contained in the following words:

And if it be possible that the two Principal Commissioners have performed and executed the orders contained in these provisions at the time of the surrender of the Oriental Territory of Uruguay and its villages, and of Colonia do Sacramento, and the adjacent lands, they shall go and receive them personally and shall appoint in both such Governors as they think fit, if THEIR MOST FAITHFUL

and CATHOLIC MAJESTIES have not expressly appointed them.

And if they cannot proceed personally to the said places, they shall send in their stead trustworthy persons with whom the acts of surrender shall be effected and who afterwards shall remain as Governors until THEIR MAJESTIES shall have provided otherwise in the said governments. But the same two Principal Commissioners shall endeavor in any case to accomplish the despatch of the said three Parties as well as the other duties they have to perform at Castilhos Grandes in order to change their residences; that is to say: GOMES FREIRE DE AÑDRADA first to Colonia and then to the Villages that have been ceded to the Crown of Portugal in the Territory of the Oriental side of the Uruguay; and the MARQUIS DE VAL DE LIRIOS to Buenos-Aires, Santa Fé, Corrientes or to the Missions which the Fathers of the Company of Jesus have on the same side; so that both the said Principal Commissioners may thus be better prepared to provide for events or accidents that may happen, and to send necessary supplies to the parties which they shall always keep informed as to their places of residence in order that the said Parties may have recourse to them in any contingency.

Wherefore the two said Ministers Plenipotentiary, using their Full Powers, have agreed thereto and signed these presents at Madrid, on the seventeenth of April one thousand seven hundred and fifty-one.

|                     |                      |
|---------------------|----------------------|
| BDE THOMÁS DA SILVA | JOSEPH DE CARVAJAL Y |
| [L. S.] TELLES.     | [L. S.] LANCASTER.   |

*True copy.—The chief Officer of the Department, in the absence through sickness of the Secretary of State.*

(Signed) JOSÉ PEREIRA LEÃO.

**Nº 3) SEPARATE ARTICLES OF THE TREATY  
OF 17TH JANUARY, 1751,<sup>1</sup> DEFINING THE IN-  
STRUCTIONS TO THE COMMISSIONERS.**

(Translated from the Portuguese.)

SEPARATE ARTICLES OF THE TREATY CONCLUDED AND  
SIGNED ON THE 17TH OF JANUARY OF THIS PRESENT  
YEAR 1751, UPON THE INSTRUCTIONS TO THE RE-  
SPECTIVE COMMISSIONERS WHO ARE TO PROCEED TO  
THE SOUTH OF AMERICA; SIGNED ON THE 17TH OF  
THE SAID MONTH AND RATIFIED BY THE KING OUR  
MASTER AND BY HIS CATHOLIC MAJESTY ON THE  
18TH OF MAY OF THE SAID YEAR.

ARTICLE I.

**C**ONSIDERING in the spirit of Religion, good faith,  
and mutual friendship which have been the inviola-  
ble rule of the two CONTRACTING MAJESTIES, that the sur-  
render and security of Colonia do Sacramento  
**Surrender of** and of the territories adjacent thereto depending  
**territories.** only on the obedience of a Governor who is to  
fulfil without hesitation or reply the orders given to him;  
and the surrender and security of the Territory and Villages  
of the Eastern bank of the Uruguay depending  
**Armed** on the co-operation of so many armed Indians  
**Indians may** who from some unfounded apprehension might  
**resist.** resist the said surrender, justifying their resist-

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<sup>1</sup> These "Separate Articles" contain nothing with reference to the questions involved in the Case under consideration.

The document was translated from the *Chave da Demarcação* (see Note page 27). The Portuguese text was published by the Royal Academy of Science of Lisbon (1841) and by BORGES DE CASTRO (1856) and CARLOS CALVO (1862).

ance by the conviction that they must appeal to the Court; under these just considerations, in order that the Treaty of Limits and Cessions may be obeyed as to this part of it as inviolably as it is of its nature and the intention of the two August Contracting Parties that it should be, HIS CATHOLIC MAJESTY will so threaten His Principal Commissioners, as well as the Governors of Buenos Aires and Monte Vidio, and all the other Officers and Subjects he has in that region, and the Indians themselves with His Royal displeasure if they are remiss in the said peaceful surrender and security of the Villages and Territories ceded to the Crown of Portugal; and if in good faith, without delays, excuses, or interpretations they do not cause to be evacuated, and do not evacuate and surrender all the said Territory and its Villages on the day appointed to them for that purpose, in such manner that the subjects of HIS MOST FAITHFUL MAJESTY may settle and remain there for ever.

## ARTICLE II.

To the same ends HIS CATHOLIC MAJESTY also commands the said Principal Commissioner, Governors, and Officers of His Dominions in that region that, without making or admitting any reply, excuse, or delay whatsoever, they shall employ all effective means, including even that of the force of arms, if necessary, so that in common cause, with the Principal Commissioner and Officers of HIS MOST FAITHFUL MAJESTY, they may cause the said Villages and Territory to be evacuated and shall do all things to assure the peace and just title of the Subjects of HIS MOST FAITHFUL MAJESTY who are to settle there in perpetuity in the manner aforesaid.

## ARTICLE III.

And in order that in this respect all cause of doubt may cease in America, HIS CATHOLIC MAJESTY effectively commands His Said Commissioners, Governors, and Officers that, even if the Indians and inhabitants of the Villages and Territory adduce against the prompt evacuation of them and it such objections as even to the Spanish Commis-

sioners, Governors, and Officers may seem worthy of being referred to the decision of HIS CATHOLIC MAJESTY, even in this case it will be their duty to cause the said Villages and Territory to be evacuated and, in the manner aforesaid, to place the Subjects of HIS MOST FAITHFUL MAJESTY in peaceful and perpetual possession of the whole.

## ARTICLE IV.

These separate Articles shall also form an integral part of the Treaties to which they are to be appended, and they shall be approved, confirmed, and ratified at the same time by the two respective Sovereigns.

In Witness whereof and by virtue of the Orders and Full Powers which we, the undersigned, have received from Our Masters, the MOST FAITHFUL KING of Portugal and the CATHOLIC KING of Spain, we have concluded and signed the present four separate Articles which shall in all times and cases constitute an integral and individual part of the Treaty by us signed on this same present day, and we have caused the seal of our Arms to be affixed thereto. Done at Madrid, on the seventeenth of January one thousand seven hundred and fifty-one.

BISCONDE THOMÁS DA SILVA TELLES. [L. S.] JOSEPH DE CARVAJAL  
[L. S.] Y LANCASTER.

*True Copy.—The Chief Officer of the Department in the absence through sickness of the Secretary of State.*

(Signed) JOSÉ PEREIRA LEÃO.

**Nº 4) EXTENSION OF THE PERIOD FOR THE  
SURRENDER OF TERRITORIES.<sup>1</sup>**

(Translated from the Portuguese.)

TREATY EXTENDING TO THE WHOLE OF THIS CURRENT YEAR 1751, THE PERIOD FOR THE SURRENDERS OF TERRITORIES, SIGNED ON THE 17TH JANUARY, AND DULY RATIFIED BY THE KING, OUR MASTER, ON THE 12TH FEBRUARY, AND BY THE CATHOLIC KING ON THE 18TH APRIL OF THE SAME YEAR.

**W**HEREAS IT WAS NOT POSSIBLE to complete the arrangements which were necessary in order that, in conformity with Article XXIII. of the Treaty of Limits concluded at this Court on the 13th of January of the year last past between the MOST SERENE KINGS our Masters, the mutual surrenders of the Territory and Colonia do Sacramento and the lands adjacent thereto ceded by HIS MOST FAITHFUL MAJESTY to the Crown of Spain, and of the Territory and Villages ceded by HIS CATHOLIC MAJESTY to the Crown of Portugal on the Eastern bank of the Uruguay, should be effected within the period of one year, it is rather thought indispensable that some time beyond that which was stipulated will be necessary in order that such surrenders may be made conveniently and without great

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<sup>1</sup> The Portuguese text was transcribed from *Chave de Demarcação* (see Note page 27) and published in 1841, 1856, and 1862 in the collections already quoted (same page).

*This document contains nothing with reference to the questions involved in the Case under consideration.*

detriment to the inhabitants. We, the undersigned, by virtue of the powers which to this end we have received from the same MOST SERENE KINGS our Masters, and which we have communicated to one another and mutually recognized, have agreed and determined that the period shall be extended over the whole year one thousand seven hundred and fifty-one so that within it the said surrenders may be made. It is well understood that the Commissioners of both Crowns, and other persons who have to contribute to the execution of the same surrenders, shall do all that may be within their power to avoid delays, and that the whole space of time conceded may not be necessary, seeing that it is the intention of THEIR MAJESTIES that the said surrenders shall be effected as much earlier as possible.

This Convention shall be ratified by the MOST SERENE KINGS, our Masters, within the space of three weeks from the date thereof, or earlier if possible; and it shall be punctually observed by both Parties.

In Witness whereof we have signed it and have caused the seal of our Arms to be affixed thereto.

Done at Madrid on the seventeenth of January one thousand seven hundred and fifty-one.

BISCONDE THOMÁS DA                      JOSEPH DE CARVAJAL  
[L. S.] SILVA TELLES.                      [L. S.] Y LANCASTER.

*True copy.—The Chief Officer of the Department in the absence through sickness of the Secretary of State.*

(Signed)      JOSÉ PEREIRA LEÃO.



**Nº 5) THE COMMISSIONERS WARNED AGAINST  
PROBABLE ERRORS IN THE MAPS USED  
BY THE PLENIPOTENTIARIES WHEN NEGOTIATING THE TREATY OF LIMITS.<sup>1</sup>**

(Translated from the Portuguese.)

TREATY UPON THE INTERPRETATION OF THE GEOGRAPHICAL MAPS, WHICH ARE TO GUIDE THE COMMISSIONERS WHO ARE TO MARK THE LIMITS OF BRAZIL, SIGNED ON THE 17TH OF JANUARY OF THIS PRESENT YEAR 1751, AND RATIFIED BY THE KING, OUR MASTER, ON THE 12TH OF FEBRUARY, AND BY THE CATHOLIC KING ON THE 18TH OF APRIL OF THE SAME YEAR.

WE, THE UNDERSIGNED, MINISTERS PLENIPOTENTIARY OF THEIR MOST FAITHFUL AND CATHOLIC MAJESTIES, by virtue of the Full Powers which **Map used** we have communicated to each other, and recognized to our reciprocal satisfaction: We declare **in the negotiation of the Treaty** that whereas we have been governed by a manuscript geographical Map in drawing up this **of 1750.** Treaty and the Instructions for its execution; for this reason

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<sup>1</sup> The translation of this Declaration, or so called Treaty, is made according to the copy in *Chave da Demarcação*, a manuscript collection of official and authenticated copies made in the last century.

The original was published by the ROYAL ACADEMY OF SCIENCE of Lisbon (1841), by BORGES DE CASTRO (*Collecção de Tratados*, Vol. III., Lisbon, 1856), CARLOS CALVO (*Recueil Complet des Traitéts . . . de l'Amérique Latine*, Vol. II., Paris, 1862), and others, among whom LA SOTA and MILITON GONZALEZ.

a copy of the said Map is to be supplied to each Party of Commissioners of each Sovereign, for their guidance, all signed by us, inasmuch as by it, and in accordance with it, all the expressions are explained. *We likewise declare that although according to the information of both Courts we hold all things noted in the said Map as very probable; admitting also that*

Possible  
variations  
upon the  
ground.

*some of the territories demarcated have not been visited by persons now living, and that others have been taken from the Maps of trustworthy persons who have travelled through them though, perhaps, with little skill to represent them by sketch, on which account there may be some notable variations upon the ground, both in the situations of mountains, and in the origins and courses of rivers, and even in the names of some of them, because it is customary for each Nation in America to give them different names, or for other reasons: It is the Will of the Contracting Sovereigns, and they have agreed, that any variation there may be shall not stay the course of the execution, but that it shall proceed as, in accordance with the Treaty, the mind and intention of THEIR MAJESTIES is manifested in the whole of it, and more particularly in Articles VII., IX., XI., and XXII., according to which the whole shall be punctually executed. And We, the said Ministers Plenipotentiary, so declare it, in the names of our Sovereigns and by virtue of their Orders and Full Powers, and sign it. This declaration shall be ratified within the same time and period as that of the Extension of the Term, and the Instructions, and a copy of it shall be given to the Commissioners of both Sovereigns. Done at Madrid, on the seventeenth of January one thousand seven hundred and fifty-one.*

BISCONDE THOMÁS DA  
[L. S.] SILVA TELLES.

JOSEPH DE CARVAJAL  
[L. S.] Y LANCASTER.

*True Copy.—The Chief Clerk of the Department in the absence through sickness of the Secretary of State,*

(Signed) JOSÉ PEREIRA LEÃO.

THE MAP OF 1749, COMMONLY CALLED "MAP ISSUED BY THE COURTS," USED BY THE PLENIPOTENTIARIES, AND THE SIX AUTHENTICATED COPIES THEREOF, MADE IN 1751. THE DECLARATIONS WRITTEN ON THESE MAPS.

LETTER OF THE 12TH OF JULY, 1751, ADDRESSED BY VISCOUNT THOMAZ DA SILVA TELLES<sup>1</sup> TO HIS EXCELLENCY SEBASTIÃO JOSÉ DE CARVALHO E MELLO, WITH THE RESPECTIVE DECLARATIONS A., B., C.

Most Illustrious and Most Excellent Sir.

**B**Y an express messenger from Badajoz I received on the 8th, at night, the despatches of Your Excellency which the messenger, MANUEL RODRIGUES LOPES, was not able to bring because he had fallen ill in that city.

Having carefully read the letter of Your Excellency of the 2d of this month, and having considered that which Your Excellency tells me in the paragraph beginning with the words—"But regarding the other point,"—I am convinced that I failed to convey my meaning in the letter which I wrote to Your Excellency on the 24th of last June; because neither to myself nor to D. JOSEPH DE CARVAJAL did it ever occur that the Maps, both those which were drawn in Lisbon, and those which were made in Madrid, were not all to be authenticated by our signatures and the Seals of our Arms.

Instructions  
received by  
the Portuguese  
Ambassador.

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<sup>1</sup> Portuguese Ambassador at Madrid.

<sup>\*</sup> Secretary of State in Portugal (afterwards MARQUIS DE POMBAL).

The difficulty which occurred was that, in the exchange of the said Maps, the custom which prevails in the exchange of the copies of any Treaty could not be followed. Your Excellency knows very well that they are always written in duplicate on each side, either in its own language, or in that in which it is customary to draw up such documents, and that although all on each side are signed, only one is exchanged, so that at the Court of each one of the respective Ministers they may be preserved, and may be compared and collated at any time, and also that similarity in the order of signature may be observed, a very important and delicate point.

As there are three Maps on one part and three on the other, this rule cannot be observed; to this difficulty another and more delicate one was added which was that the Portuguese Commissioners would have to take the Maps made in Madrid, and the Spanish Commissioners the Maps drawn in Lisbon, and in connection with this I considered some circumstances on our side which in my opinion deserved attention. As, however, Your Excellency in your letter makes use of the following words:—"But as to the other point regarding the signature, that which has been previously and is now still understood is that all three of the maps which I sent to Your Excellency must be signed and exchanged in authenticated form; this Court remaining in possession of the Maps which Your Excellency will receive from D. JOSEPH DE CARVAJAL, and D. JOSEPH DE CARVAJAL of those he will receive from Your Excellency,"—I have no alternative but to obey and carry out the orders conveyed to me by Your Excellency.

I spoke to D. JOSEPH DE CARVAJAL and informed him of the contents of the letter of Your Excellency; and he agreed to everything, yielding with regard to the doubt that had occurred to him.

We accordingly signed first the two original Maps by which we were guided in drawing up the Treaty of the demarcation of limits.

In both I had the declarations of Minute A written in the Portuguese language, and I signed in the best place: of these I handed one to D. JOSEPH DE CARVAJAL, to be kept in the Archives of Spain, and the other I send to Your Excellency that you might order it to be placed in suitable keeping.

We immediately signed the three which Your Excellency lately sent to me, and the three which D. JOSEPH DE CARVAJAL had ordered to be drawn; and I handed him mine, and he delivered his to me. On those which I gave him, I ordered declaration B to be written in the Portuguese language, and I signed in the best place. On those which he gave me he ordered declaration C to be written in the Spanish language, and these he signed in the best place.

The two  
Maps of  
1749.  
  
The three  
Portuguese  
and the  
three  
Spanish  
copies of  
1751.

Of these I send Your Excellency two and keep the third, until the conclusion and drawing up of the Instructions which are to be taken by the Commissioners who are to proceed to the North of South America; but it will be better that Your Excellency should send me a newly made copy which I can use and keep with the original Map which I am sending.

I shall be happy if I have correctly interpreted the true intention and orders of the King our Master, and if I deserve of his clemency that he will take into consideration my petition by granting my retirement, which petition, once more, I humbly present to him, prostrated at his royal feet.

GOD keep Your Excellency many years. Madrid, 12th of July, 1751.

To the Most Illustrious and Most Excellent Senhor Sebastian Jozé de Carvalho e Melo.

(Signed) VISCONDE THOMAZ DA SILVA TELLES.

DECLARATIONS WHICH WERE WRITTEN ON THE MAPS.

*Declaration A.*

This Geographical Chart which is to remain in the Royal Archives of Portugal, as well as the other similar Chart

which is to remain in the Royal Archives of Spain, is that which was used by the Minister Plenipotentiary of

His Most Faithful Majesty for the drafting of Declaration the Treaty on the division of Limits in South written on the two Maps of 1749. America, signed on the 13th of January, 1759. And because in the said Chart there is a red line which points out and passes through the places

where the demarcation is to be made, which line, being anterior to the Treaty of Limits which was concluded afterwards, does not agree with it in passing from the foot of the Hill of Castilhos Grandes to the headwaters of the River Negro, and thence along the latter until it enters the River Uruguay, whereas, in accordance with the said Treaty, it should run to the principal source of the River Ibicui ; it is hereby declared that the said line shall serve only so far as it is in conformity with the aforesaid Treaty, and in order that this may remain at all times proved, We, the undersigned Ministers Plenipotentiary of His Most Faithful Majesty and of His Catholic Majesty, have hereto placed our signatures and the Seals of our Arms. Madrid, the 12th of July, 1751.

#### *Declaration B.*

This Geographical Chart is a faithful and exact copy of the first upon which the Treaty of Limits, signed on the 13th of January, 1750, was drafted and concluded.

Declaration on the three Portuguese copies of 1751. And because in the said Chart there is a red line which points out and passes through the places where the demarcation is to be made, which line, being anterior to the Treaty of Limits which was concluded afterwards, does not agree with it in

passing from the foot of the Hill of Castilhos Grandes to the headwaters of the River Negro, and thence along the latter until it enters the River Uruguay, whereas, in accordance with the said Treaty, it should run to the principal source of the River Ibicui ; it is hereby declared that the

said line shall serve only so far as it is in conformity with the aforesaid Treaty, and in order that this may remain at all times proved, We, the undersigned Ministers Plenipotentiary of His Most Faithful Majesty and of His Catholic Majesty, have hereto placed our signatures and the Seals of our Arms. Madrid, the 12th of July, 1751.

*Declaration C.*

This Geographical Chart is a faithful and exact copy of the first upon which the Treaty of Limits, signed on the 13th of January, 1750, was drafted and concluded. And because in the said Chart there is a red line which points out and passes through the places where the demarcation is to be made ; it is hereby declared that the said line shall serve only so far as it is in conformity with the aforesaid Treaty, and in order that this may remain at all times proved, We, the Ministers Plenipotentiary of Their Catholic and Most Faithful Majesties, have signed it and sealed it with the Seal of our Arms. At Madrid, the 12th of July, 1751.

Declaration  
on the  
three  
Spanish  
Maps of  
1751.

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*I certify that the copies written on three sheets of paper under my signature are in conformity with the originals preserved in the Archives of this Department of Foreign Affairs of His Most Faithful Majesty.*

Certificate.

Lisbon, 12th of June, 1893. (Seal of the Portuguese Foreign Office.)

*The Director-General of the Political Section,*  
(Signed) A. D'ORNELLAS.





**SPECIAL INSTRUCTION**  
**TO THE**  
**COMMISSIONERS OF THE 2D DEMARCATING**  
**PARTY, 1758.**



## SPECIAL INSTRUCTION

GIVEN ON THE 27TH JULY, 1758, TO THE COMMISSIONERS  
OF THE 2D DEMARCATING PARTY, CHARGED WITH  
THE DELIMITATION FROM THE MOUTH OF THE  
IBICUHY, IN THE URUGUAY, TO THE GREAT FALLS  
OF THE RIVER PARANÁ.<sup>1</sup>

(Translated from the Spanish.)

**I**NSTRUCTION WHICH WE, THE PRINCIPAL COMMISSIONERS OF HIS CATHOLIC MAJESTY AND OF HIS MOST FAITHFUL MAJESTY,<sup>2</sup> THE MARQUIS DE VAL DE LIRIOS, AND GOMEZ<sup>3</sup> FREIRE DE ANDRADA, have agreed upon and signed for the guidance of the Commissioners of

<sup>1</sup> This document, now presented for the first time, completely destroys the principal Argentine allegation, as in it the following passage cannot be found in reference to the Pepiry or Pequiry: "*A full-flowing river, having a wooded island fronting its mouth, a reef within it, and its mouth above that of the Uruguay-pitd.*" These features were invented by the Spanish Commissioners who in 1789 (twelve years after the Treaty of 1777) wished to transfer to another river, further to the East, the name of Pepiry-Guaçû.

The transcript of the Special Instruction given by the MARQUIS DE VAL DE LIRIOS and by General GOMES FREIRE DE ANDRADA (afterwards COUNT DE BOBADELLA) to the Commissioners of the 2nd Demarcating Party, is made according to a copy annexed to the Letter of the 20th February, 1760, addressed by the said MARQUIS DE VAL DE LIRIOS to D. RICARDO WALL, the Spanish Secretary of State. These documents are preserved in the General Archives of Simancas (*Secretaria de Estado, Leg.<sup>o</sup> 7.404*).

A certified copy is in possession of the Brazilian Special Mission at Washington.

<sup>2</sup> In the certified copy received from Simancas the words—"and of His Most Faithful Majesty" ("y de S. M. F.")—are wanting here, which evidently can only be attributed to an oversight on the part of the transcriber of 1760.

<sup>3</sup> GOMES (not *Gomes*).

the Second Demarcating Party (Partida de Demarcacion), DON FRANCISCO DE ARGUEDAS, a member of His Catholic Majesty's Council in the Supreme Court of the Treasury, and JOSEPH FERNANDEZ PINTO ALPOIN,<sup>1</sup> Colonel of the Regiment of Artillery, so that they may execute it in the manner prescribed herein.

#### ARTICLE THE FIRST.

Considering that the natives of this country cannot, on account of their customs and natural disposition, be governed by suitable rules, desired by both Sovereigns in order to secure the tranquillity of the Expeditions, the Commissioners of the Second Demarcating Party shall endeavor to conform as much as possible to Articles 21, 22, 23, and 24 of the Special Instructions,<sup>2</sup> which treat of offences and punishments. But in cases in which they may find any difficulty, we grant them power to do that which may seem to them most prudent with the greatest concord and conformity, which is that which the Contracting Sovereigns command.

#### ARTICLE THE SECOND.

The Commissioners shall take the greatest care to conform to Articles 25, 26, 27, 28, 29, 30, and 31 of the same

<sup>1</sup> JOSEPH FERNANDES (not *Fernandes*) PINTO ALPOYM (not *Alpoin*).

<sup>2</sup> Thus (*Instrucciones Particulares*) in the copy preserved in the Archives of Simancas, but the word—*Particulares* (*Special*)—was certainly written in error by the transcriber of 1760, because the Commissioners, in their Diary, always apply the name of—*Instruccion Particular*, or, in Portuguese,—*Instrucção Particular* (*Special Instruction*),—to that of the 27th July, 1758, translated here, which was drawn up exclusively for the guidance of the 2d Demarcating Party; and they always give the name of—*Instrucciones Generales*,—or in Portuguese—*Instrucções Geraes* (*General Instructions*) to those of the Treaty of the 17th January, 1751, (page 27 to 47) "by which were defined the Instructions to the Commissioners," etc., in which are to be found the four articles whose numbers are quoted here and those which are quoted further on. Therefore, instead of—*Instrucciones Particulares* (*Special Instructions*), the wording—*Instrucciones Generales* (*General Instructions*), must be in the original delivered to the Spanish Commissioner ARGUEDAS, and the wording—*Instrucções Geraes*—in that which was delivered to the Portuguese Commissioner ALPOYM.

Instructions which treat of the duty incumbent on the Cosmographers, because both Their Majesties command that the work they are to do shall not only be accurate, but that it shall also be profitable to the advancement of science.

Cosmog-  
raphers.

## ARTICLE THE THIRD.

Considering that in the wildernesses and rugged places through which this Party is to travel the help of horses cannot be obtained to allow them to make the demarcation in the manner prescribed by the Sovereigns, we have resolved that the Commissioner of His Catholic Majesty shall go to the Village of San Nicolas, and see that the Canoes, Guides, and Rowers are ready, so that when the Commissioner of His Most Faithful Majesty arrives, they may at once proceed together to that of *San Xavier where they shall embark upon the rafts they will have constructed there with the canoes, and they shall ascend the Uruguay until they meet, on its western bank, the mouth of the river Pequirt, or Pepirt, which they shall enter, continuing up its stream as far as its principal source, or as far as the canoes can reach.* From this point they shall send a Party on foot to survey on the highest ground the principal head of the nearest river that flows into the Iguaçu, upon discovering which, if they find that the canoes can be carried on men's shoulders, the Commissioner of His Catholic Majesty shall send a canoe which shall return by the same river with the information, and with the order that the boats which shall be ready on the Paraná go up that river at once to await them at the mouth of the Iguaçu, and in the meantime the provisions and canoes shall be conveyed by land to the nearest river that empties itself into the Iguaçu.

The demar-  
cation from  
S. Xavier,  
on the Uru-  
guay, to the  
Pepiry.

Rio Pepiry.

Nearest  
river flow-  
ing into the  
Iguaçu.

## ARTICLE THE FOURTH.

For the determination of the principal heads of the Pepiri and of the river nearest to it that empties itself into the

Iguaçu, the Commissioners shall seek those whose waters are most abundant; but if the want of horses and baggage (in the event of the provisions and canoes having Headwaters of the Pepiry and of the affluent of the Iguaçu. to be carried on the shoulders of Indians) does not allow that determination of the watercourses to be made, they shall choose that which may seem best to them and in accordance with article 31 of the Instructions,<sup>1</sup> and they can also take advantage of the *epicheia*<sup>2</sup> offered by article 12, which in this case may be applied.<sup>3</sup>

## ARTICLE THE FIFTH.

They shall go down the river nearest to the Pepirí as far as its mouth in the Iguaçu, and they shall continue down the stream of this as far as its Salto (Cataract), where they shall leave the canoes if they cannot easily convey them, and they shall go overland as far as its mouth in the Paraná, where they shall wait for the boats; and, having embarked in them, they shall go up its waters as far as where the whirlpools formed by its Salto Grande (Great Cataract) allow the boats to proceed; and, going to its western bank, they shall send a Party, who shall go as close as possible along the bank of the river, and who shall survey it, as well as the ground, to see whether it can find the landmark left there by the Third Party; and when the thickness of the bush and the roughness of the way do not allow this to be done on foot,

<sup>1</sup> In this Vol., page 43.

<sup>2</sup> "*Epiky* (obs.) also *epicay*, *epicheia*. . . Reasonableness, equity as opposed to rigid law."—(HENRY BRADLEY, *A new English Dictionary on Historical Principles, founded mainly on the materials collected by the Philological Society*, Oxford, 1891.)

In Portuguese,—*epicheia*,—*epiqueia*; in Spanish, *epiqueya* (from the Greek *ἐπιείχεια* and *ἐπιείχεια*).

"*Epiqueya*.—In Spanish Law.—The benignant and prudent interpretation of the law according to the circumstances of the time, place, and person. This word is derived from the Greek, and is synonymous with the word equity. See MURILLO, nn. 67, 68."—(JOHN BOUVIER, *A Law Dictionary adapted to the Constitution of the United States of America*. . . , Philadelphia, 1883.)

<sup>3</sup> Page 34.

they shall take in that region the necessary observations to determine as to the course of the river at that spot.

## ARTICLE THE SIXTH.

*If the head of the River that empties itself into the Iguaçu, and which is believed to be near that of the Pepiri, is not found, or if the distance between them is so great, or the ground so rough that they think the canoes cannot be conveyed overland, they shall take their observations at the spot they are able to reach, and they shall return down the course of the Uruguay as far as the village of la Concepcion, or as that of San Xavier, whence they shall proceed overland to that of La Candelaria and, embarking there, they shall go up the course of the Paraná as far as the mouth of the Iguaçu, which they shall ascend as far as its Salto (Falls), and, carrying overland the canoes they may have taken with them, or building others there, if they cannot carry them, they shall go up the latter as far as the mouth of some River that may be with a slight difference in the same longitude in which they consider the heads of the Pepiri to be; and, navigating along it<sup>1</sup> as far as they can, they shall take the necessary observations in order that they may trace upon the Map they are to construct a line connecting the two points observed.*

Directions to be followed if the headwaters of the Pepiri cannot be reached.

Return, and ascent by the Paraná and Iguaçu.

Mouth of an unknown affluent.

If unable to reach the headwaters.

## ARTICLE THE SEVENTH.

*From the place which they reach<sup>2</sup> they shall go down its waters and those of the Iguaçu as far as the mouth of the latter in the Paraná, where they shall take to their boats and shall proceed in the manner prescribed in Article the Fourth. And this operation being completed, they shall withdraw by the same River Paraná to the Village of la Candelaria, and thence by land to that of la Concepcion. Hence they shall send*

From the affluent of the Iguaçu to the Paraná.

<sup>1</sup> To this river, discovered and surveyed the following year, the name of *S. Antonio* was given by the Commissioners (*Santo Antonio*, in Portuguese; *San Antonio*, in Spanish).

<sup>2</sup> On the river afterwards named *S. Antonio*.

**The survey of the Uruguay, from S. Xavier to the Ibicuhy.** in canoes two Cosmographers, one of each nationality, who shall travel down stream, drawing the Plan of the Uruguay as far as where, on its eastern bank, the Ibicui empties itself into it, and hence they shall withdraw whither they may be commanded.

## ARTICLE THE EIGHTH.

The Commissioner of His Catholic Majesty shall supply the Commissioner of His Most Faithful Majesty with canoes and boats as well as with jerked beef for all the Party under his command, as we, the Principal Commissioners, have agreed. And in all else that either may need they shall assist one another as provided in the Instructions.

## ARTICLE THE NINTH.

**Order of the advance.** The order to be observed in the advance by the rafts and boats of the two nations shall be the following. The first day the two Commissioners shall draw lots in order to determine who is to lead the advance upon that day, and, this having been ascertained, they shall afterwards proceed alternately. But if this cannot be strictly carried out, either because it seems to them more proper and necessary that the Pilots of the river should go first, or on account of some other impediment, they shall not attach too much importance to its execution, but shall do what may be possible and may be most conducive to their common convenience and to facilitate the voyage.

## ARTICLE THE TENTH.

**Map.** The scale to which they shall draw the Map shall be the same that was used by the Third Party, which is ten inches to the degree, of which the Commissioners shall inform the Cosmographers, warning them above



all that it must be executed with the greatest clearness, which is what is required, and is in conformity with the intention of the two Sovereigns.

## ARTICLE THE ELEVENTH.

*Inasmuch as in the carrying out of the provisions of Articles 3, 4, 5, 6, and 7 of these Instructions there may be some difficulties that will not permit its strict observance, satisfied of the prudence, zeal, and intelligence of the two First Commissioners, we give them power to act as they may think best, according to the nature of the ground through which they travel, in order to conclude this part of the Demarcation, leaving it clear and well marked, conformably to the will of our Sovereigns.*

Unlimited  
power.

In witness whereof we, the abovesaid Principal Commissioners, have signed it and sealed it with the Great Seal of our Arms. At the Ford of the River Jacuy (Paso de el Jacuy), the twenty-seventh of July one thousand seven hundred and fifty-eight.

EL MARQUES DE VAL  
[L. S.] DE LIRIOS.

GOMES FREIRE DE  
[L. S.] ANDRADA.

*The Spanish copy of the above document, in the keeping of the Brazilian Special Mission at Washington, bears the following attestations:*

(a) *That of D. CLAUDIO PEREZ Y GREDILLA, "an Officer of the 1st Class in the Professional Corps of Record Keepers, Librarians, and Antiquaries, and Director of the General Archives of Simancas," certifying the accuracy of the copy (Dated at Simancas, the 5th October, 1893).*

(b) *That of D. EDUARDO VINCENTE Y REQUERA, "Director-General of Public Instruction," attesting the signature of the Director of the General Archives (Dated at Madrid, the 9th October, 1893).*

(c) *That of His Excellency, D. SEGISMUNDO MORET Y PRENDERGAST,, Minister of the Interior (" Ministro de Fomento " ), attesting the signature of the Director-General of Public Instruction (Dated at Madrid, 9th October, 1893).*

(d) *That of Mr. STEPHEN BONSAI, Secretary of the American Legation at Madrid, attesting the signatures referred to above (Dated at Madrid, 12th October, 1893).*

**TREATY OF EL PARDO**  
**OF THE**  
**12TH FEBRUARY, 1761,**  
**BETWEEN**  
**PORTUGAL AND SPAIN.**



## TREATY OF EL PARDO OF THE 12TH OF FEBRUARY, 1761.<sup>1</sup>

TREATY BETWEEN HIS MOST FAITHFUL MAJESTY, DOM JOSÉ THE FIRST, KING OF PORTUGAL, AND HIS CATHOLIC MAJESTY, DON CARLOS THE THIRD, KING OF SPAIN, BY WHICH THE TREATY OF THE 13TH OF JANUARY, 1750, WAS ANNULLED AND THE ANTERIOR TREATIES WERE ORDERED TO BE OBSERVED, SIGNED AT EL PARDO ON THE 12TH OF FEBRUARY, 1761.

*In the Name of the Most Holy Trinity.*

THE MOST SERENE KINGS OF PORTUGAL AND SPAIN, seeing, from a series of successive trials, that in the execution of the Treaty of Limits in Asia and America concluded between the two Crowns, signed at Madrid on the 13th of January one thousand seven hundred and fifty, and ratified in the month of February of the same year, so many and such great difficulties have always occurred that, besides the fact that they were not known at the time when it was entered into, it was not only impossible to overcome them from that time until now on account of their having arisen in countries so distant from and so little known to the two Courts, it being indispensable that they should rely on the reports of many persons employed on both sides for the purpose of supplying them, these reports being so contradictory that until now it has not been possible to reduce them to

**Preamble.**

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<sup>1</sup> Published by BORGES DE CASTRO, CANTILLO, and C. CALVO.

concord ; but also because the same difficulties have shown that the said Treaty of Limits having been concluded substantially and positively to establish perfect harmony between the two Crowns and an unalterable union between their subjects, it was seen, on the contrary, that since the year one thousand seven hundred and fifty-two it has given, and would give in future, many and frequent causes of controversy and contentions, which are opposed to such laudable ends ; upon clear knowledge of this, the two MOST SERENE SOVEREIGNS, by mutual accord, preferring above all and any other interests whatever that of putting an end to, and removing, even the most remote cause that may impair not only the mutual harmony and good understanding required by the bonds of their intimate amity and close relationship, but also by the most friendly union between their respective subjects ; after having had many and very serious conferences concerning this important matter, and after having examined with the greatest circumspection everything relating thereto ; Have invested with the necessary

Full Powers, that is to say : HIS MOST FAITHFUL  
 Plenipotentiaries. MAJESTY, Senhor DOM JOSEPH DA SILVA PEÇANHA, of His Council, His Ambassador and Plenipotentiary at this Court of Madrid ; and HIS CATHOLIC MAJESTY, Señor DON RICARDO WALL, Knight-Commander of Peña-Uzende in the Order of Santiago, Lieutenant-General of His Majesty's Armies, a Member of His Council of State, His Principal Secretary of State and for Foreign Affairs, Secretary ad interim for War and General Superintendent of Mails and Posts within and without Spain ; who after having exhibited and reciprocally exchanged their Full Powers, finding themselves well instructed as to the true intentions of the aforesaid two MOST SERENE SOVEREIGNS, their Masters, and following their Royal Commands, have agreed upon and concluded by complete accord the following Articles.

#### ARTICLE I.

The aforesaid Treaty of Limits in Asia and America, concluded at Madrid on the 13th of January one thousand

seven hundred and fifty, with all the other Treaties or Conventions, which afterwards were concluded in consequence of it, fixing the Instructions to the respective Commissioners who until now have been engaged in the demarcations of the said boundaries, and all that was drawn up by virtue thereof, is now agreed to be, and to be held, by virtue of the present Treaty, as cancelled, quashed, and annulled, as if they had never existed nor ever been executed; so that all things relating to Boundaries in America and Asia are restored to the provisions of the Treaties, Compacts, and Conventions which had been concluded between the two Contracting Sovereigns before the said year one thousand seven hundred and fifty; in such manner that only those Treaties, Compacts, and Conventions that were concluded before the year one thousand seven hundred and fifty shall hereafter remain in force and vigor.

Annulment  
of the  
Treaty of  
1750 and of  
all agree-  
ments and  
acts derived  
therefrom.

## ARTICLE II.

As soon as this Treaty shall have been ratified, the above-named MOST SERENE KINGS will cause authentic copies thereof to be transmitted to Their respective Commissioners and Governors within the boundaries of America; declaring to them as cancelled, quashed, and annulled, the said Treaty of Limits, signed on the 13th of January one thousand seven hundred and fifty, with all the Conventions that were derived therefrom and followed it; and commanding them that, holding as of no effect and causing to cease all operations relating to its execution, they shall overturn the monuments or landmarks that were erected in consequence of it, and immediately evacuate the lands that were occupied under title of the same execution or by reason of the said Treaty, demolishing the dwellings, houses or fortresses which in consideration of the aforesaid repealed Treaty may have been built or raised by either party; and declaring to them that from the very day of the ratification of

The opera-  
tions of the  
demarca-  
tion to be  
stopped.

All things  
to be re-  
stored to  
their pre-  
vious con-  
dition.

the present Treaty forward, they shall have no other rules to guide them except the other Treaties, Compacts, and Conventions, that had been stipulated between the two Crowns before the said year one thousand seven hundred and fifty ; because each and all of them are hereby reinstated and restored to their original and proper force, as though the aforesaid Treaty of the 13th of January one thousand seven hundred and fifty, with the others that followed from it, had never existed ; and these orders shall be delivered in duplicate from one Court to the other for its guidance and for their more prompt fulfilment.

## ARTICLE III.

The present Treaty and all that is stipulated and covenanted therein shall have perpetual force and vigor between the two said MOST SERENE KINGS, all Their successors, and between the two Crowns, and shall be approved, confirmed, and ratified by both THEIR MAJESTIES ; and the respective ratifications shall be exchanged within one month, reckoned from the date of this present month, or earlier if it be possible.

In Witness whereof, and by virtue of the Commands and Full Powers which We, the aforesaid Plenipotentiaries, have received from the said MOST SERENE KINGS, our Masters, we have signed the present Treaty, and have sealed it with the seal of our Arms.

At El Pardo, the twelfth of February one thousand seven hundred and sixty-one.

JOSÉ DA SILVA PESANHA.

DN. RICARDO WALL.

[L. S.]

[L. S.]

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*The above Treaty was restored by Article the 2nd of the Treaty of Peace signed at Paris the 10th of February, 1763, after the war in which Portugal joined, in alliance with England, against Spain and France, in 1761 and 1762.*



THE TREATY OF SAN ILDEFONSO,  
1ST OCTOBER, 1777,  
DEFINING THE BOUNDARIES  
OF  
BRAZIL WITH THE SPANISH POSSESSIONS.

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(A PRELIMINARY TREATY.)



## TREATY OF SAN ILDEFONSO, 1ST OF OCTOBER, 1777.<sup>1</sup>

(Translated from the Portuguese.)

PRELIMINARY TREATY OF LIMITS IN SOUTH AMERICA BETWEEN HER MOST FAITHFUL MAJESTY DONA MARIA THE FIRST, QUEEN OF PORTUGAL, AND HIS CATHOLIC MAJESTY DON CARLOS THE THIRD, KING OF SPAIN, SIGNED AT SAN ILDEFONSO, ON THE 1ST OF OCTOBER, 1777, AND RATIFIED BY HER MOST FAITHFUL MAJESTY, AT LISBON, ON THE 10TH, AND BY HIS CATHOLIC MAJESTY, AT SAN LORENZO EL REAL, ON THE 11TH DAY OF THE SAID MONTH AND YEAR.

*In the Name of the Most Holy Trinity.*

DIVINE PROVIDENCE HAVING EXCITED IN THE AUGUST HEARTS OF THEIR MOST FAITHFUL AND CATHOLIC MAJESTIES the sincere desire to extinguish the discords that have existed between the two Crowns of Portugal and Spain and their respective subjects for the space of nearly three centuries concerning the Limits of their dominions in America and in Asia, in order to attain this important purpose and to establish perpetually the harmony, friendship, and good understanding which correspond with the close relationship and sublime

**Preamble.**

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<sup>1</sup> Published in the collections of Treaties by BORGES DE CASTRO, CANTILLO, CARLOS CALVO, e PEREIRA PINTO, and in some collections of historical documents.

qualities of such Exalted Princes, with the mutual love they profess for one another, with the interest of the Nations they happily govern : They have resolved, agreed, and settled upon the present Preliminary Treaty, which shall serve as a basis and foundation to the Definitive Treaty of Limits, which shall be drawn up in due time with the necessary minuteness, exactness, and information by means of which new disputes and their consequences may be for ever avoided and provided against. In order, therefore, to attain objects of such importance, the appointment was made on the part of HER MOST FAITHFUL MAJESTY, as Her Minister Plenipotentiary, of His Excellency Senhor DOM FRANCISCO INNOCENCIO DE SOUSA COUTINHO, Knight Commander of the Order of Christ, a Member of Her Most Faithful Majesty's Council, and Her Ambassador near His Catholic Majesty ; by and HIS MAJESTY THE CATHOLIC KING, as His Minister Plenipotentiary, of His Excellency Señor DON JOSEPH MONINO, COUNT DE FLORIDABLANCA, Knight of the Royal Order of Carlos the Third, a Member of His Majesty's Council of State, His Principal Secretary of State and for Foreign Affairs, General Superintendent of Mails by Land and Sea, and of the Posts and Revenue of Messengers in Spain and the Indies, who, after having communicated to each other their Full Powers, and having found them to be in good and due form, agreed upon the following Articles, governed by the commands and intentions of their Sovereigns.

## ARTICLE I.

There shall be a perpetual and constant peace, both by sea and land, in all parts of the world, between the Portuguese and Spanish Nations, with a total oblivion of the past and of all that has been done by both in mutual offence; and to this end they ratify the former Treaties of Peace of the 13th of February, 1668, of the 6th of February, 1715, and of the 10th of February, 1763,<sup>1</sup> as if they were inserted in this, word for

<sup>1</sup> Treaties signed at Lisbon the 13th February, 1668 ; at Utrecht, the 6th February, 1715 ; and at Paris, the 10th of February, 1763.

word, in all that is not expressly annulled by the Provisions of the present Preliminary Treaty or by such Provisions as may be agreed upon for its execution.

## ARTICLE II.

All prisoners that have been made by sea or land shall be at once set free, without any condition except that of securing the payment of any debts they have contracted in the countries where they are. The Artillery and ammunition which, since the Treaty of Paris of the 10th of February, 1763, shall have been taken by either of the Powers from the other, and the Vessels, Merchant as well as of War, with their cargoes, artillery, ammunition, and all else that shall have been taken, shall be reciprocally restored in good faith within the term of four months following the date of the ratification of this Treaty, or earlier if possible : although the prizes or seizures may proceed from any operations of war by sea or land, of which news may not have arrived up to the present time ; since, nevertheless, they are to be included in this restitution, as well as the goods and effects taken with the prisoners, and the territories whose dominion shall be, according to the present Treaty, within the boundaries of the Sovereign to whom they are to be restored.

## ARTICLE III.

As one of the principal causes of the dissensions that have occurred between the two Crowns has been the Portuguese Settlement of Colonia do Sacramento, the Island of S. Gabriel, and other ports and territories that have been claimed by that nation on the Northern bank of the River Plate, the navigation of this river becoming common to both Portuguese and Spanish, as well as that of the Uruguay ; the two High Contracting Parties have agreed for the mutual good of both Nations, and to secure a perpetual peace between the two, that the said navigation of the Rivers Plate and Uruguay, and the lands on the Northern and

Southern banks shall belong exclusively to the Crown of Spain and its subjects, *as far as the place where the River Pequiri or Pepiri-guaçu empties itself into the same Uruguay by its Western bank, the dominion of Spain extending on the said Northern bank as far as the Boundary Line which will be formed beginning towards the Sea at the rivulet (arroio) Chuy and Fort S.*

Miguel, inclusive, and following the shores of Lake Merim to the heads or sources of the Rio Negro; which, as well as all the others of the rivers which discharge into the said Rivers Plate and Uruguay, as far as the entrance into this

latter Uruguay of the said *Pepiri-guaçu* shall belong exclusively to the same Crown of Spain with all the territories which it possesses and which comprise those countries, including the said River Plate. Colonia do Sacramento and its territory, the Island of S. Gabriel and the other Settlements which until now the Crown of Portugal has possessed or claimed to possess as far as the line which is to be drawn; to which end, HER MOST FAITHFUL MAJESTY, in Her own name and in that of Her heirs and successors, renounces and cedes to HIS CATHOLIC MAJESTY and to His heirs and successors, whatever title or right or possession may have belonged or now belong to Her in or to the said territories under Articles v. and VI. of the Treaty of Utrecht, 1715, or otherwise.

#### ARTICLE IV.

To avoid another motive of discord between the two Monarchies, as has been the case with the entrance to the Lake (Lagoa) dos Patos, or Rio Grande de S. Pedro, following afterwards by its basin as far as the River Jacui, whose two banks and navigation were claimed by both Crowns as belonging to them, they have now agreed that the said navigation and entrance shall exclusively remain to Portugal, whose sovereignty shall extend by the southern bank as far as the rivulet (arroio) Tahim, following

Navigation  
of the Rio  
Grande de  
S. Pedro,  
now Rio  
Grande  
do Sul.

along the shores of the Lake da Mangueira in a straight line as far as the sea ; and inland, the line shall run from the shore of the said Lake Merim along the first southern rivulet (arroio) that enters its draining channel (sangradouro), or outlet (desaguadouro), and that runs nearest to the Portuguese Fort of S. Gonçalo ; from which, without exceeding the limit of the said rivulet, the dominion of Portugal shall continue along the heads of the rivers which run as far as the said Rio Grande and the Jacui, until passing above the heads of the River Araricá and Coyacui, which shall remain to Portugal, and those of the Rivers Piratini and Ybimini, which shall remain to Spain ; and thence a line shall be drawn to cover the Portuguese settlements as far as the mouth of the *River Pepiri-Guaçu* in the Uruguay, and in the same manner preserve and cover the Spanish Settlements and Missions on the Uruguay itself which shall remain in the present condition under which they belong to the Crown of Spain ; and the Commissioners who have to demarcate this divisional line shall be enjoined to follow throughout its entire length the directions of mountains by their summits, or the courses of rivers where they may be found for the purpose, the water-sheds of the said rivers and their sources serving as landmarks to both dominions wherever it may be possible, so that the rivers which rise in one dominion and flow through it may remain, from their sources, the property of that dominion ; and this can be best effected in the line that is to run from Lake Merim to the *River Pepiri-Guaçu*, in which there are no large rivers crossing from one territory to the other ; because, where there are such rivers this method cannot be carried out, as is evident, and that course shall be followed which in the respective cases is specified in other Articles of this Treaty to save the principal dominions and possessions of both Crowns. HIS CATHOLIC MAJESTY in His own name, and that of His heirs and successors, cedes to HER MOST FAITHFUL MAJESTY, Her heirs and successors, all and whatsoever rights may belong to them in the territories

How to locate the Divisional line from the sea-coast to the Pepiry-Guaçu.

which, as is explained in this Article, are to belong to the Crown of Portugal.

## ARTICLE V.

In conformity with that which has been stipulated in the foregoing Articles, the Lakes Merim and da Mangueira, and the strips of land intervening between them and the Sea-coast shall be reserved between the dominions of the two Crowns, and not be occupied by either of the two Nations, serving only as a separation ; so that neither may the Portuguese cross to the southern side the rivulet (arroyo) Tahim, and a straight line from it to the sea, nor the Spaniards the rivulets Chui and S. Miguel to the northern side. HER MOST FAITHFUL MAJESTY, in Her own name and in the name of Her heirs and successors, ceding in favor of the Crown of Spain and of this division, whatever right she may have to the guard-houses of the Chui and its district, to the Bar of Castilhos Grandes, to the Fort of S. Miguel, and to all else that is included therein.

## ARTICLE VI.

In like manner as in the foregoing Article, there shall be also reserved throughout the remainder of the divisional line, both as far as the entrance into the Uruguay of the *River Pepiri-Guaçu* and in the continuation of the said line which shall be specifically set out in the following Articles, a sufficient space between the Boundaries of the two Nations, although it may not be equal in breadth to that of the said Lakes, in which villages may not be built by either of the two parties, nor Forts, Guard-houses, or military Posts erected, so that such spaces may be neutral, durable landmarks and signals being erected to make known to the subjects of each Nation the spot beyond which they are not to pass ; for which purpose lakes and rivers shall be sought which can serve as permanent and unalterable limits, and, failing them, the crests of the most prominent mountains, these and their feet constituting the



neutral and divisional zone which may not be entered, peopled, built upon, nor fortified by either of the two Nations.

## ARTICLE VII.

The Portuguese inhabitants who may be in Colonia do Sacramento, the Island of S. Gabriel, and any other settlements that are ceded to Spain by Article III., and all others who since the first conflicts of the year 1762 may have been under different jurisdictions, <sup>Inhabitants of ceded territories.</sup> shall have liberty to withdraw from or remain there with their goods and chattels; and as well they, as the Governor, Officers, and soldiers of the garrison of Colonia do Sacramento, who are to withdraw, may sell their real property, surrendering to HER MOST FAITHFUL MAJESTY the artillery, arms, and ammunition which may have belonged to Her in the said Colonia and settlements. The same liberty and rights shall be enjoyed by the Spanish inhabitants, officers, and soldiers who shall be in any of the settlements ceded or renounced to the Crown of Portugal under Article IV.; all the artillery and ammunition that at the time of the last entry of the Portuguese into Rio Grande de S. Pedro, were found there, and in its Town, Guard-houses, and military Posts on both banks, being restored to HIS CATHOLIC MAJESTY except that which may have been taken from and which belonged to the same Portuguese at the time of the entry of the Spaniards into those settlements in the year 1762. This rule shall be observed reciprocally in all the other cessions contained in this Treaty to define the dominions of both Crowns and their respective boundaries.

## ARTICLE VIII.

*The dominions of both Crowns being already defined as far as the entrance of the River Pequiri or Pepiri-Guaçu into the Uruguay, the two High Contracting Parties have agreed that the divisional line shall follow up the course of the said Pepiri-Guaçu as far as its principal source; and thence along the highest ground, under the rules given in Article VI., it shall continue until it meets the waters of the*

The line  
along the  
Pepiry-  
Guaçu and  
S. Antonio.

*River Santo Antonio, which empties itself into the Grande de Curitiba, otherwise named Iguaçu, running downwards Along the along the latter until it enters the Paraná by its Iguaçu and Eastern bank, and continuing thence up the said the Paraná. Paraná to the point where the River Igurey joins it on its Western bank.*

## ARTICLE IX.

From the mouth or entrance of the Igurei the divisional line shall follow up the stream until it meets its principal source; and thence a straight line shall be drawn From the along the highest ground, with due regard to the Paraná to stipulations of Article VI., until it reaches the the Para- principal head and source of the river nearest to guay and Jaurú. the said line and that flows into the Eastern bank of the Paraguay and which, perhaps, will be that which is named Corrientes; and then the divisional line shall follow this river down stream as far as its confluence with the Paraguay, and thence it shall ascend by the principal channel which the Paraguay presents during the dry season, and shall follow along its waters until reaching the marshes which this river forms, named Lake dos Xarayes, and shall cross this lake as far as the mouth of the River Jaurú.

## ARTICLE X.

From the mouth of the Jaurú towards the West, the Frontier shall follow in a straight line to the Southern bank of the river Guaporé or Itenês, opposite to the mouth of the river Sararé, which flows into the said Guaporé by its Northern bank; but if the Com- From the missioners charged with the location of the Bound- Jaurú to aries and the execution of these Articles shall find, at the time of surveying the country between the rivers Jaurú and Guaporé, other rivers or natural landmarks by which they can more satisfactorily and with greater Special au- authority to the Com- missioners concerning that sec- tion of the line. accuracy mark the Boundaries in that region, providing always that the navigation of the Jaurú should belong exclusively to the Portuguese, as well as the road they are accustomed to follow from

*Cuyabá to Matto-Grosso, the two High Contracting Parties consent and approve that it shall be so located, disregarding any greater or less portion of land that may thereby be made over to either one or the other party.* From the point on the Southern bank of the Guaporé, which may be assigned as the terminus of the Line, in the manner that has been already explained, the Frontier shall go down the whole course of the river Guaporé below its union with the river Mamoré, which rises in the Province of Santa Cruz de la Sierra and crosses the Mission of the Moxos, the union of these two rivers forming the river named da Madeira, which enters that of the Maranhão or Amazonas, by its Southern bank.

## ARTICLE XI.

The line shall go down the course of these two rivers Guaporé and Mamoré, now united with the name of Madeira, to the spot situated at an equal distance from the river Maranhão or Amazonas and from the mouth of the said Mamoré; and from that spot it shall continue straight Westward until it reaches the Eastern bank of the Javari, which enters the Maranhão by its Southern bank; and going down the bed of the same Javari as far as the point where it flows into the river Maranhão or Amazonas, it shall follow down the course of this river, which the Spaniards generally call Orellana, and the Indians Guiena, as far as the westernmost mouth of the Japurá, which flows into its northern bank.

## ARTICLE XII.

The Frontier shall continue up the said westernmost mouth of the Japurá and along the middle of that river to such a point that the Portuguese settlements of the banks of the said river Japurá and of the Negro may remain covered, as well as the communication or channel which the same Portuguese used between these two rivers at the time of the conclusion of the Treaty of Limits of the 13th of January, 1750, according to its literal meaning and that of its Article IX., which shall be fully carried out accord-

From the  
Madeira to  
the Javary  
and the  
Amazonas.  
  
From the  
Amazonas  
and Japurá  
to the  
Northwest  
and after-  
wards to  
the East.

ing to the state of things prevailing at the time, without prejudice either to the Spanish possessions or to their respective dominions and communications with them and with the River Orinoco: so that neither the Spaniards may enter the said Portuguese settlements or communication, nor go down the said western mouth of the River Japurá, nor pass the line that is to be located across the River Negro and the other rivers which flow into it; nor shall the Portuguese go up the same or any other rivers joining it to pass beyond the line to the Spanish settlements and their communications; neither shall they ascend the River Orinoco, nor spread to the provinces settled by Spain, or to the unsettled territories which according to the present Articles shall belong to it; to which end those who shall be appointed for the execution of the present Treaty shall locate those boundaries, seeking lakes and rivers that join the Japurá and Negro and which approach nearest to a northerly direction, and in these they shall determine the point beyond which the navigation and use of them by either Nation ought not to pass; when, leaving the rivers, the Frontier shall have to continue along the mountains intervening between the Orinoco and the Maranhão or Amazonas, and they shall also straighten the Border Line towards the North as much as possible, *taking no heed of any little gain or loss in territory to either Crown, provided they attain the purposes already referred to*, until they reach the end of the said line where the dominions of both Monarchies terminate.

**Special  
authority  
granted to  
the Com-  
missioners.**

#### ARTICLE XIII.

The Navigation of the rivers along which the Boundary or divisional line is to pass shall be common to the two Nations as far as the point in which its two banks are to belong to both respectively; and the said navigation and use of the rivers shall belong exclusively to that Nation to which its two banks shall exclusively belong, from the point where this exclusive possession of the two banks begins: so that wholly or in

**Navigation  
of frontier  
rivers.**

part the navigation shall be exclusive or common, as the banks may be so ; and in order that the subjects of neither Crown may be in ignorance of this rule, landmarks or beacons shall be placed in positions where the divisional line joins any river or departs from it, with inscriptions which will explain the use and navigation of such river to be common or exclusive, free to both or to one Nation alone, setting forth which may or may not pass beyond such point, subject to those penalties which are provided for in this Treaty.

## ARTICLE XIV.

All of the islands which lie in any of the rivers along which the Boundary line is to pass, according to that which has been agreed upon in the present preliminary Articles, shall belong to the dominion nearest to **Fluvial Islands.** which they shall lie in the driest time and season ; and if they lie at an equal distance from both banks, they shall remain neutral, except when they are of great extent and value ; in which case they shall be divided into two halves, the line of such division constituting the boundary of both Nations.

## ARTICLE XV.

In order also to define with the greatest accuracy the Boundaries declared in the Articles of this Treaty, and to specify, without leaving room for the least possible future doubt, all the points through which the divisional **Joint Commissions.** line is to pass, so that a definitive Treaty may be drawn up in which they shall all be named minutely, Commissioners will be appointed by THEIR MOST FAITHFUL and CATHOLIC MAJESTIES, or power shall be given to the Governors of provinces enabling them or persons known for their probity, intelligence, and acquaintance with the country, to meet in the regions of the demarcation, and to locate the said points, guiding themselves by the Articles of this Treaty, executing the appropriate instruments, **To identify and mark out the boundaries.** and constructing a detailed Map of the whole frontier surveyed and located by them, copies of which, drawn up and authenticated by both par-

ties, shall be communicated and sent to the two Courts, everything in which the parties agree being immediately carried into execution, and the points on which there may be any disagreement being reduced to a temporary agreement and expedient, until their Courts, who shall be duly informed thereof, may decide by common accord upon that which they may hold to be proper. In order to ensure the greatest possible speed in the said survey and demarcation of the divisional line and in the execution of the Articles of this Treaty, experienced Commissioners of both Courts shall be appointed to provinces and territories; so that at one and the same time the whole of that which has been concerted and agreed upon may be carried out in portions, the Governors of both Nations in those provinces communicating to one another beforehand the extent of territory included in the commission and powers of the experienced Commissioner appointed to each Party.

To refer  
their disa-  
greements  
to their gov-  
ernments.

#### ARTICLE XVI.

The Commissioners and other persons appointed in the terms set forth in the preceding Article, in addition to the rules established in this Treaty, must bear in mind, so far as concerns that which may not be specified in the Treaty itself, that the objects of the demarcation of the divisional line must be reciprocal security and perpetual peace between the two Nations and the total suppression of the smuggling which the subjects of the one may carry on within the dominions or with the subjects of the other: to which end, and in view of these two objects, appropriate orders shall be given to them to avoid disputes on matters that do not involve direct prejudice to the actual possessions of either Sovereign, to the common or exclusive right of navigation of their rivers or channels, according to the stipulations of Article XIII., or to the cultivations, mines, or pastures which they actually possess and have not been surrendered by this Treaty for the benefit of the divisional line; for it is the intention of

The objects  
of demarca-  
tion.

the two August Sovereigns that, in order to assure true peace and friendship, whose continuance and closeness they desire for the mutual tranquillity and welfare of their subjects, attention shall only be given, in those most vast regions where the divisional line is to be established, to the preservation of that which each one possesses by virtue of this Treaty and of the definitive Treaty of limits, and to secure this in such a way that no doubts or discords can at any time arise thereon.

## ARTICLE XVII.

Any subject of either Crown who shall be apprehended carrying on a smuggling trade with the subjects of the other, shall be punished in his person and goods with the penalties imposed by the laws of the <sup>Smuggling.</sup> country where he may be taken; and the same penalties shall be incurred by the subjects of either Crown for the mere fact of having entered the territory of the other, or the rivers, or any part of them that shall not belong exclusively to their own Nation or which may not be common to both, excepting the case in which any of them shall have called at the ports or in the territory of the other Nation through inevitable and urgent necessity of which they are to produce full evidence, or the case where they cross through such foreign territory under commission from the Governor or Head Authority of their respective country to convey some despatch or message, in which case they must carry a passport stating the reason therefor.

## ARTICLE XVIII.

As to those rivers the navigation of which is common to the two Nations, either wholly or in part, it shall not be lawful for either of them to build or construct any Fort, Guard-house, or Inspecting-office (Registo), <sup>Rivers of common navigation.</sup> nor to compel the subjects of either Power, who may navigate them, to submit to visits, to take out licenses, nor to be subject to any other formalities; and

they shall only be punished with the penalties referred in the preceding Article when they enter a foreign port or territory, or pass beyond the point to which the navigation is common in order to enter that part of the river where it may pertain exclusively to the subjects of the other Power.

## ARTICLE XIX.

In the event of any doubts arising between Portuguese and Spanish subjects, or between the Governors and Commanders of the Frontiers of the two Crowns as to

**Course to be pursued in case of doubt as to the interpretation of the Treaty.** the extent of the boundaries defined or the interpretation of any of them, under no circumstances shall violent measures be resorted to by occupying the territory or exacting satisfaction for that which may have occurred; and they shall only, as will be their duty, communicate their

doubts to one another, and shall agree for the time being on some means of adjustment until, having stated the case to their respective Courts, the latter may inform them by common accord of the necessary course to pursue; and whosoever shall act in contravention of the provisions of this Article shall be punished to the satisfaction of the offended Power, for which purpose its provisions shall be notified to the Governors and Commanders. The same punishment shall be imposed on such persons as shall attempt to people, utilize, or enter the zone, line, or space of territory

**Punishment of those settling on neutral zone.** which is to remain neutral between the two Nations. And both for this reason and in order to prevent the use of the whole Frontier as a refuge for robbers and murderers, the border

Governors shall also take jointly such measures as may be necessary, agreeing as to the means of apprehending and destroying them, and imposing the most severe penalties on them. In like manner, as the wealth of that country consists of the slaves who work in its agriculture, the same Governors shall come to an agreement as to the mode of mutually sur-

**Fugitive Slaves.**



rendering them in case of their flight, so that they may not secure freedom by crossing to another country, but only protection from violent punishment, if they have not incurred it for other crimes.

## ARTICLE XX.

For the perfect execution of the present Treaty and its perpetual validity, the two August Contracting Monarchs, animated by the spirit of union, peace, and amity, which they desire firmly to establish, cede, renounce, and transfer to one another, in Their Names and in the name of Their heirs and successors, all possession and right they may have or allege to any lands or navigation of rivers which, according to the divisional line defined in the Articles of this Treaty, for the whole of South America, shall belong to the other Crown; as, for example, that which is now occupied and rests in the Crown of Portugal on the two banks of the River Maranhão or Amazonas, in the part of it in which they are both to belong to Portugal exclusively; and that which it occupies in the district of Matto-Grosso and thence to the Eastward; as also that which the Crown of Spain reserves to itself in the part of the same River Maranhão from the mouth of the Javari, from which the said Maranhão is to divide the dominions of both Crowns as far as the most westerly mouth of the Japurá, and anywhere else where, according to the line defined in this Treaty, any territory shall remain to either Crown; and such part of the said territories as may be occupied shall be evacuated within a period of four months, or earlier if possible, with liberty to the inhabitants, subjects of the evacuating Nation, to go out with their goods and chattels, and to sell their real property, in the manner already described in Article VII.

**Mutual  
cession of  
territories  
and rivers.**

## ARTICLE XXI.

In order to consolidate the said union, peace, and amity between the two Monarchies, and to remove all motives of

discord, even regarding the possessions of Asia, HER MOST FAITHFUL MAJESTY, in Her Name, and in those of Her heirs and successors, surrenders in favor of HIS CATHOLIC MAJESTY, His heirs and successors, every right She may have or allege to the sovereignty of the Philippine and Marianne Islands and all else the Crown of Spain possesses in those quarters; the Crown of Portugal renouncing whatsoever claim or right it may have or set up under the Treaty of Tordesillas of the 7th of June, 1494, and under the conditions of the Deed signed at Saragossa on the 22d of April, 1529, without power to recover any part of the price which it paid for the sale agreed upon in the said Deed, nor avail itself of any other motive or foundation whatsoever against the cession agreed upon in this Article.

Portugal  
cedes its  
rights over  
the Philip-  
pine and  
other  
islands in  
Polynesia.

#### ARTICLE XXII.

In proof of the same union and friendship which is so earnestly desired by the two August Contracting Parties, HIS CATHOLIC MAJESTY offers to restore and evacuate within the four months following the ratification of this Treaty, the Island of Santa Catharina and the part of the continent nearest to it that the arms of Spain may have occupied, with the artillery, ammunition, and other stores that may have been there at the time of the occupation. And HER MOST FAITHFUL MAJESTY, responding to this restitution, promises that at no time, whether of peace or of war, in which the Crown of Portugal, as it is hoped and desired, shall not be engaged, will She allow any foreign squadron, vessel of war, or trading vessel to enter the said port of Santa Catharina or to shelter or stop there, especially if they belong to any Power that may be at war with the Crown of Spain, or if they be suspected of being engaged in contraband trade. THEIR MOST FAITHFUL and CATHOLIC MAJESTIES will cause the necessary orders for the execution and strict observance of all that is stipulated in this Article to be promptly issued; and they shall be mutually exchanged in duplicate, in order that not

Restitution  
of the  
island of  
Sta. Catha-  
rina.

the least doubt may remain concerning the exact accomplishment of the objects included therein.

## ARTICLE XXIII.

The Portuguese and Spanish squadron and troops now in the seas or ports of South America shall retire therefrom to their respective destinations, only those remaining which are usually there in time of peace; and of this information shall be given mutually to the Generals and Governors of both Crowns in order that the evacuation may be carried out as evenly as possible, and with equal good faith, within the brief space of four months.

With-  
drawal of  
squadrons  
and troops.

## ARTICLE XXIV.

If for the carrying out and fuller explanation of this Treaty it shall become necessary to extend, and there shall be extended, one or more articles in addition to those contained herein, they shall be held as part of this same Treaty; and the High Contracting Parties shall be equally bound to its or their inviolable observance, and to ratify them at the same time as that when this shall be signed.

Additional  
articles to  
be taken as  
part of this  
Treaty.

## ARTICLE XXV.

The present Preliminary Treaty shall be ratified within the definite term of fifteen days after its signature, or earlier if possible.

In Witness whereof We, the underwritten Ministers Plenipotentiary, have signed the present Preliminary Treaty of Limits with our hands, in the names of Our August Masters, and by virtue of the Full Powers by which They have authorized us to do so, and we have caused the seals of our arms to be affixed thereto.

Done at Santo Ildefonso, on the first day of October one thousand seven hundred and seventy-seven.

[L. S.] D. FRANCISCO INNOCENCIO DE SOUZA COUTINHO.

[L. S.] EL CONDE DE FLORIDABLANCA.

## SEPARATE ARTICLES.

FROM CONSIDERATIONS OF MUTUAL CONVENIENCE TO THE TWO CROWNS OF PORTUGAL AND SPAIN, THEIR MOST FAITHFUL AND CATHOLIC MAJESTIES have resolved to add the following separate Articles, which shall remain secret until the two Sovereigns shall by common accord resolve otherwise, and these separate Articles shall at once have the same force and validity as those of the Preliminary Treaty of Limits which was this day signed. And to this end THEIR MAJESTIES have given authority to their respective Ministers Plenipotentiary, His Excellency DOM FRANCISCO INNOCENCIO DE SOUSA COUTINHO, and His Excellency the COUNT DE FLORIDABLANCA.

## ARTICLE I.

The Preliminary Treaty of Limits concluded this day shall serve as a basis and foundation to three others, which the two High Contracting Parties have agreed upon and covenanted in the following manner:

**The Treaty of San Ildefonso to serve as a basis to three other treaties.** In the first place, a Treaty of perpetual and indissoluble alliance between the two Crowns, in whose Articles the respective obligations of each shall be specified, and which ought to be entered into within two months next following the ratification of these separate Articles, or earlier if possible. In the second place, a Treaty of Commerce between the two Nations, in which the advantages of both shall also be promoted and facilitated, and which shall be concluded within the same term. *In the third place, a definitive Treaty of Limits for both the Dominions of Portugal and Spain in South America, as soon as all information shall have come, and the operations necessary for their minute definition shall have been performed.*<sup>1</sup>

## ARTICLE II.

War being the principal cause of all abuses and the motive of the weakening of the best concerted rules, THEIR MOST

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<sup>1</sup> The definitive Treaty of Limits was never made.

FAITHFUL AND CATHOLIC MAJESTIES desire, in order to avoid it forever, as it is their wish to do, especially in their dominions in South America, and to maintain perpetual peace for the subjects of both Crowns, that the promoters or leaders of any invasion in those regions, however unimportant it may be shall, without appeal, be punished with the penalty of death; and that any seizure they may make shall be fully and in good faith restored. In like manner also Their Majesties undertake that neither of the two Nations shall allow the enemies of the other to use its harbors, and still less to pass through its territories in South America when they may attempt to do so for hostile purposes. These means and precautions for the preservation of perpetual peace and good neighborhood shall be taken not only in the mainland and islands of South America between the border subjects of the two Monarchies; but also on the rivers, harbors, and coasts, and on the high seas from the latitude of the Southern extremity of the Island of Santo Antão, one of the Cape Verd Islands, towards the South, and from the Meridian which passes through its western extremity to the West; so that it may not be lawful for any man-of-war, privateer, or other vessel of one of the two Crowns, within the said limits, to attack, insult, or do the least damage to the shipping or subjects of the other; and for any violation of this provision, prompt satisfaction shall be given, that being fully restored which may have been taken, and offenders being severely punished. Moreover, neither of the two Nations shall admit to its ports or territories in South America war or trading ships, either friendly or neutral, knowing that it is their intention to carry their trade into the dominions of the other, and to infringe the laws by which the two Sovereigns govern such dominions; and for the strict observance of all that is expressed in this Article, the two Crowns will issue the most strenuous injunctions to their respective Governors, Commanders, and Justices, in the understanding whereof, even in the unexpected event of

The leaders  
of inroads  
to be pun-  
ished with  
death.

Further  
provisions  
for the pres-  
ervation of  
peace in  
America.

there being any incident against or disregard of that which is promised and stipulated in this Article, it shall not serve to prejudice the perpetual and inviolable observance of all the remainder of the dispositions made by the present Treaty. And in like manner the two High Contracting Parties now covenant and undertake, in the event of war between either of the two Powers and any other, not to allow their ports or territories, in whatsoever part of the world they may be, to serve directly or indirectly in aid of any attack or act of war against one of the Contracting Powers singly, or its subjects, shipping, or territories; notwithstanding all which it is not to be understood that they will fail or promise to fail in the observance of any Treaties subsisting between the High Contracting Parties and any other nations, in the understanding whereof advantage shall not be taken of them for purposes of offence against Portuguese and Spanish subjects, territories, and shipping, inasmuch as, regarding this, the two High Contracting Parties undertake that whichever one of them shall not be engaged in war shall observe the most scrupulous neutrality, and that if against this declaration there be any secret Article or anterior Treaty that has not come to the knowledge of the two Contracting Parties, they will mutually and in good faith communicate it or them to one another, in order to continue methodically that which is solemnly stipulated and covenanted in the present Article, and to take such measures as may be most conducive to the security and defence of their respective dominions, subjects, and shipping.

## ARTICLE III.

HER MOST FAITHFUL MAJESTY, desiring to acknowledge the magnanimity of HIS CATHOLIC MAJESTY and to concede all that can be grateful to His subjects, surrenders  
**Cession of** to the Crown of Spain the Island of Annobon  
**Annobon** by Portugal. (Anno Bom) on the coast of Africa, with all  
rights, possession, and claims that She has upon  
the same island, so that it may henceforth belong to the

Spanish dominions in the same manner as it has hitherto belonged to those of the Crown of Portugal.

## ARTICLE IV.

In like manner HER MOST FAITHFUL MAJESTY, in Her name and in those of Her Heirs and Successors, surrenders all rights and claims that She has or may have upon the Island of Fernando Po, in the Gulf of Guinea, **Cession of Fernando Po by Portugal.** so that the subjects of the Crown of Spain may settle thereon and trade in the ports and on the coasts opposite the said island, such as the ports of the River Gaboon, and of Cameroons, of St. Domingo, Cape Formoso, and others of that region, without on this account hindering or disturbing the trade of the subjects of Portugal, particularly that of the inhabitants of Prince's and St. Thomas's Islands (Ilhas do Principe e de S. Thomé), who now, or at any future time, may trade on the said coast or in those ports; and the subjects of Portugal and Spain shall conduct themselves there with the most perfect harmony without prejudice or hinderance of any kind to one another.

## ARTICLE V.

All Spanish shipping, whether naval or commercial of the said Nation, that enters the ports of the Prince's or St. Thomas's Island, belonging to the Crown of Portugal, in order to refresh their crews or to take **Favors to shipping in the Gulf of Guinea.** in provisions or other necessary purposes, shall be received and treated in the same islands as those of the most favored nation; and the same shall be done towards Portuguese vessels of war or merchant vessels that go to the Island of Annobon or to that of Fernando Po, belonging to HIS CATHOLIC MAJESTY.

## ARTICLE VI.

Her Most Faithful Majesty declares that the prohibition which precludes foreign vessels, whether of war or mer-

Spanish chantmen, except through stress of weather, or vessels put- when it may be compulsory through urgent ting into necessity, from entering the port of Santa Catharina and anchoring off the neighbouring coast, as stipulated in Article XXII. of the Preliminary Treaty of Limits, shall not apply to Spanish vessels either of war or merchantmen that so come there through stress of weather; but, on the contrary, Her Most Faithful Majesty undertakes that, in the orders to be issued according to the provisions at the end of the same Article XXII., it shall be specified that this prohibition does not apply to Spanish ships, which shall receive there the greatest hospitality and all the assistance that can be given to the shipping under the flag of a good ally and friend, the laws and orders by which those countries are governed respecting the prohibition of smuggling and of every other abuse, being always observed.

## ARTICLE VII.

The present separate Articles shall be ratified within the precise term of fifteen days after they shall have been signed, or earlier if possible.

In Witness whereof We, the under-written Ministers Plenipotentiary, in the names of our August Masters, and by virtue of the Full Powers by which They have authorized us so to do, have signed the Present Separate Articles with our hands, and we have caused the seals of our arms to be affixed thereto. Done at the Real Sitio de Santo Ildefonso, on the first of October one thousand seven hundred and seventy-seven.

[L. S.] D. FRANCISCO INNOCENCIO DE SOUSA COUTINHO.

[L. S.] EL CONDE DE FLORIDABLANCA.



INSTRUCTIONS  
TO THE  
SPANISH COMMISSIONERS  
FOR THE DEMARCATION IN  
SOUTH AMERICA  
UNDER THE  
TREATY OF THE 1ST OCTOBER, 1777.



## ROYAL INSTRUCTION,

DATED ARANJUEZ, 6TH OF JUNE, 1778, AND ADDRESSED  
TO THE VICEROY OF THE SPANISH PROVINCES  
OF THE RIO DE LA PLATA.<sup>1</sup>

(Translated from the Spanish.)

### ROYAL INSTRUCTION.

**N**OTWITHSTANDING THE INFORMATION WHICH  
YOUR EXCELLENCY WILL HAVE OF THE ROYAL  
COMMANDS issued to your predecessor, regarding the  
actual execution of what he was to do for the  
definition of the Boundaries and the Demarca- **Demarca-**  
tion of the Spanish and Portuguese Nations in **tion of**  
America, according to the stipulations and agree- **boundaries.**  
ments between the two Courts in the last Preliminary  
Treaty of Peace, concluded on the 1st of October of the  
year last past, it is necessary to instruct Your Excellency

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<sup>1</sup> This document is transcribed from a copy in the handwriting of the Principal Spanish Commissioner, VARELA Y ULLOA, certified by him and delivered to the Principal Portuguese Commissioner, VEIGA CABRAL. The Brazilian Special Mission has this document in its possession (Vol. vi., 1784, fol. 45-50, of the *Correspondence between the Viceroy of Brazil and the Governor and other Officers in the Royal Service on the territory of Rio Grande and in the 1st Division for the demarcation of limits*;—belonging to the Public Archives, Rio de Janeiro).

This Instruction was published by C. CALVO, in 1865 (*Recueil des Traités de l'Amérique Latine*, vii., 1-7), according to a copy by OYÁRVIDE, but the transcription now given in the volume of original documents is more correct, the very orthography of the copy by VARELA having been preserved.

In the manuscript *Diary* of ALVEAR (in the Academy of History, Madrid)

that, afterwards, it happened that the Court of Lisbon made a proposal to the effect that it would be convenient, in order that the work should be done with the utmost brevity and facility, that it should be performed by four Divisions of Spaniards and as many Divisions of Portuguese, each one composed of two Commissioners, one or two Engineers, two Geographers, and two Guides (Prácticos), with men in proportion to the discharge of their duties; determining and appointing the locations at which the members of both should meet in order to begin their respective operations, the direction and localities in and through which they should proceed, and the places where they should assemble to settle by common accord the Demarcation to be followed and whatever else may arise after they have seen the ground, in conformity with the respective articles of the aforesaid Preliminary Treaty.

This subject having been considered with due gravity and circumspection, and it being understood that the said Divisions may be subject to another arrangement desirable for the possible comfort, facility, and easier work of those in charge, the KING has resolved that the First Division shall consist, on the part of Spain, of two Chief Commissioners, two Engineers, two Geographers, and two native Guides (Prácticos del país); that this Division shall meet at Montevideo, and that the Portuguese shall do so at the town (Villa) of Rio Grande de S. Pedro, in order that the respective Commissioners of both, having agreed as to the point where they are to unite, and all other matters relating to their Parties (and it seems that the Military Post<sup>1</sup> of the Chuy is the place at which

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and in that of CARRER (Vol. i., Pref., 38-47) this document occurs, but it was omitted by MILTON GONZALEZ in his edition of the latter *Diary*.

In this *Instruction* of the 6th June, 1778, signed by the Spanish Minister of the Indies, DON JOSEPH DE GALVEZ, are literally reproduced all the essential passages of the Spanish *Memorandum* dated Aranjuez, 25th May, 1778, delivered to the Portuguese Ambassador by the COUNT DE FLORIDABLANCA, Secretary of State. The Brazilian Special Mission is also in possession of a legalized copy of this *Memorandum*.

<sup>1</sup> *Guardia*, in Spanish; *Guarda*, in Portuguese.

the Demarcation should begin), they may carry on their operations from that point, in conformity with Articles 3, 4, 5, and 6 of the Preliminary Treaty. But considering that the work of this Division as far as the foot of the Salto Grande (Great Falls) of the River Paraná may be impracticable in the terms proposed by the Court of Lisbon through thick woods without any track, *and through rivers of short navigation,<sup>1</sup> the Pepirí-guazú and San Antonio,<sup>2</sup> distant from all settlements that could give them any help*; H. M. has resolved that this Party, after having gone a part of the way together, shall divide itself, forming two subdivisions, each composed of one Commissioner, one Guide, and half of their followers, both Spanish and Portuguese; and that one shall continue by the crest-line of the watersheds between the river-basins of the Uruguay, on the West, and of the Yacuy, on the East, until it arrives at the mouth of the Pepirí-guazú, and that the other subdivision shall start from the river Ybicuy, which has its source in and passes by the Monte Grande, and, proceeding through the Villages (Pueblos) of Misiones, as far as that of Candelaria or that of Corpus, the last of those on the eastern bank of the Paraná, *it shall ascend it in boats as far as the foot of the Salto (Falls) of the river Yguazú or Curitiba, which is distant three leagues from its mouth in the Paraná; and that hauling by its northern bank the medium-sized canoes it may carry, or building new ones above the Salto, it shall navigate in them as far as the river San Antonio, which is the second that enters it on the southern side; and going up this river as far as its waters will allow, shall endeavor to survey its source and to connect it with the Pepirí-guazú, whose mouth the First Division will already have surveyed; and on its return it shall lay down the Demarcation from the mouth of the*

S. Antonio,  
the second  
southern  
affluent of  
the Iguaçu  
above the  
Falls.

<sup>1</sup> In the copy legalized by VARELA Y ULLOA, and also in that which occurs in OYÁRVIDE (CALVO, VII., 2) the words *como son* (such as are) are wanting in this place. They are to be found, however, in the Spanish *Memorandum* of the 25th May, 1778, and the word *como* in the copy by CABRER.

<sup>2</sup> This document having been translated from the Spanish, the geographical names are written according to the Spanish orthography.

*Iguazú to the foot of the Salto Grande (Great Falls) of the River Paraná, in conformity with Article the 8th of the Treaty, if they do not think it more opportune to do this before entering the Iguazú.*

The Second Division<sup>1</sup> shall be subdivided in the same manner as the preceding one, it being understood that it, as well as the two remaining ones, shall consist of the **2d Division.** same number of persons. The meeting of the Spaniards of this Second Division shall take place in the city of Asuncion del Paraguay, and from there the First Subdivision shall proceed to the town of Curuguaty, not far from the River Igatimy, the place to which the Portuguese Party is to come, which is to assemble in the city of S. Paulo, and the Spanish and Portuguese forming the two halves of the Subdivision, having joined at the mouth of the said Igatimy, shall begin their demarcation on the latter, taking it as a boundary [since in the country there is no river known by the name of Igurey, and the Igatimy is the first full-flowing river that enters the Paraná by its western bank, after its Great Falls], and ascending the Igatimy to its origin, not far from it may be seen the heads of another river, which, flowing to the westward, empties itself into the river Paraguay, where it is known by the name of Ipané, which is to be taken as the boundary, because there is not in this region any river of the name of Corrientes. The other Subdivision of the Portuguese Party can proceed from the mouth of the Igatimy to Asuncion, where, joining the Spanish Subdivision which will have remained there, it shall ascend the river Paraguay in boats as far as the mouth of the Jaurú, surveying as far as this the course of the Paraguay from where it receives the Ipané, which shall be the term of the Second Subdivision; and considering that the Second Subdivision will perform its journey by a known course of navigation, which will be easy and by large boats as far as the mouth of the Jaurú, and that the Third Division, so to say, will have a long, arduous, and

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<sup>1</sup> *From this point this document contains nothing that can throw light upon the controversy submitted to the Arbitrator.*

difficult one, it can be partly relieved by adding to the former the work of surveying also the the ground included between the mouth of the Jaurú and the confluence of the river Itenés, or Guaporé, with the Sararé, according to Article 10 of the said Treaty ; and it is the King's will that it shall so be done.

As to the Third Division, the Court of Lisbon proposes that the Spanish Division shall assemble at Santa Cruz de la Sierra, or at one of the villages of Misiones de Chiquitos, or nearer to the region of the demarca-<sup>3d Division.</sup> tion, and the Portuguese shall assemble at Villa Bella de Matogrosso ; and that in any one of these towns the Commissioners of the two Nations may meet in order that they may agree upon the beginning of the demarcation from the mouth of the Jaurú by the rivers Guaporé, Mamoré, and Madeira, as far as the eastern bank of the Javari ; from here to the point where the same Javari flows into the river of the Amazonas or Marañon, and from this place to the most westerly mouth of the Japurá, in conformity with Articles 10 and 11 of the Treaty. It is certain that the meeting of the Portuguese Division is designed with regard to its not being distant from the beginning of its demarcation ; but, as to the Spanish Division, the frontier is considered very distant and without available communication with the city of Santa Cruz de la Sierra ; and as it has been previously ordered that they have recourse to the Governors near the line of demarcation, the Governor of the Province of Móxos, and the other persons who, on the part of Spain, are to compose this Party, may meet in the Capital of the said Province, or in another village of those Misiones that may be more suitable ; so that with a better knowledge of the proportions and distances of the country, they may select the most convenient place for meeting and agreeing with the Commissioners of Portugal, it being certainly more suitable to leave the determination taken by HIS MAJESTY with regard to this Third Division to the disposition and judgment of the Commander of the former Party (the Spanish), and to decide on the spot as to

the means of carrying out, jointly with the Portuguese, the demarcation which is to fulfil the object of this Party. This Third Division does not admit the subdivision proposed with regard to the two preceding ones, notwithstanding the extensive space it has to travel over, examining and fixing points, beginning with the confluence of the rivers Itenés or Guaporé with the Sararé; inasmuch as the duty incumbent on it, according to the provisions of Article the 11th, of the Preliminary Treaty, of determining on the River Madeira, by the difference between the latitude of the confluence of the rivers Itenés and Mamoré and the latitude of its mouth in the River Amazonas, the equidistant point from both extremes through whose parallel the line of equal latitude is to be drawn to the River Javari, compels this Party to remain united and complete along the said river of the Amazonas, in which it will be able to determine, going and returning, the mouth of the river Japurá as far as the said point of the eastern bank of the river Javari, where are to be set the landmarks and imperishable signs which are to indicate the division of the Dominions; which being done, as this same Party is to return by the river Madeira to the place from which it had come, it shall make new observations and use equal endeavors to set up the dividing marks on the banks of this same river in the same latitude in which it placed those of the eastern bank of the river Javari, completing and perfecting this work conformably in all things with the provisions of Article the 11th of the said Treaty.

Concerning the Fourth Division, the proposal of the Court of Lisbon places the Spanish Party in the village of San Fernando or in that of Pévas, situated on the northern bank of the river of the Amazonas, to come down thence to the mouth of the Japurá, and the assembling of the Portuguese in Gran Pará, to proceed thence to the fort of Rio Negro or town of Barcellos, and from there to go up the Amazonas to the same mouth of the Japurá, and that, on coming to any of the places mentioned, the Commissioners of the two Nations shall agree as to the execution of Article the 12th of the



Treaty and the final completion of the boundary line between the Dominions, the four above-named Divisions carrying out in their respective surveys, not only the dispositions of the said Articles, but also the stipulations of Articles the 13th, 14th, 15th, and 16th, and of the remainder of the Treaty. The localities proposed for the assembling of both the Spanish and Portuguese Parties of this Fourth Division seem the most convenient and suitable, in order that both having previously agreed on their place of junction by such means as may seem most calculated to facilitate the operation, it may begin by the most westerly mouth of the river Japurá in accordance with the stipulations of Article the 12th of the Preliminary Treaty; but regarding the course and direction which this Fourth Division is to take, as there is not here that practical knowledge of the ground through which is to run the boundary line indicated in the said Article the 12th in order by means of it to open a correct course, and considering at the same time that the Portuguese, better informed through the frequent expeditions by land and water that they have made there, will have the necessary knowledge not to depart from the terms, limits, and fixed points prescribed by the said Article the 12th, the KING leaves to the judgment of the Governors of the frontiers who may be commissioned for this undertaking, its execution, they conforming in all things with the strict terms set forth in the said Article the 12th, choosing places, grounds, mountains, rivers, and other localities that are to serve as landmarks, and disposing of the other means of carrying out the operation in the form and according to the terms prescribed, with which the intentions of the two Courts will be reciprocally satisfied.

This being the will of the KING, and as the Court of Lisbon, having agreed with the whole thereof, has issued its orders for securing on the part of the Portuguese its exact fulfilment, HIS MAJESTY leaves it to the care and zeal of Your Excellency to harmonize its provisions, in that which concerns yourself, with the instructions previously communicated upon this subject of locating the boundaries, not

losing sight of the recommendation to avail of the border Governors and other persons already indicated, whenever it may be consistent with this last resolution, at the same time using the Officers of the Royal Navy, who, with this important object, may have remained there by subsequent determination of the former Viceroy, DN. PEDRO DE CEVALLOS, and also any other persons who, by their ability, may be capable of performing these duties; and as from Portugal a number of astronomical and mathematical instruments are sent for the use of the Portuguese Commissioners in making the indispensable observations at the time of the laying down of the boundaries, it will be expedient that the Commissioners of both Nations should mutually lend their instruments to one another for the greater exactness of their operations; and I inform Your Excellency of this in order that you may mention this circumstance to the Spanish Commissioners, since the Portuguese have received the same instructions, notwithstanding which preparations are in progress here to send as soon as possible such instruments as may be most suited to the use and purposes of our Commissioners.

GOD keep Your Excellency many years.

Aranjuez, 6th of June, 1778.

JOSEF DE GÁLVEZ.

To the Most Excellent the Viceroy of Buenos Ayres.

—*This is a copy of another delivered to me by the Most Excellent Señor D<sup>n</sup>. JUAN JOSEF DE VERTIZ, Viceroy and Captain-General of the Provinces of Rio de la Plata.—Arroio del Chuy, the 6th February, 1784.*

(Signed) JOSEF VARELA Y ULLOA.

—*The above copy was signed before me by the Spanish Principal Commissioner D<sup>n</sup>. JOSÉ VARELA E ULLOA.—Encampment at the Chuy, the 13th February, 1784,*

(Signed) SEBASTIÃO X<sup>ps</sup> DA VEIGA CÁBRAL DA CAMARA.

## SPECIAL INSTRUCTIONS

FOR THE DEMARCATION OF BOUNDARIES IN SOUTH AMERICA, PROPOSED BY GENERAL D<sup>n</sup> JUAN JOSEPH DE VERTIZ, VICEROY OF THE PROVINCES OF RIO DE LA PLATA, AND APPROVED BY CARLOS III., KING OF SPAIN, THE 12TH OF JANUARY, 1779.<sup>1</sup>

(Translated from the Spanish.)

### PLAN FOR THE EXECUTION OF THE DEMARCATION IN THIS AMERICA.

**I**N ORDER TO EXECUTE THE DEMARCATION OF THIS SOUTH AMERICA, in virtue of the Preliminary Treaty concluded between THEIR CATHOLIC AND MOST FAITHFUL MAJESTIES and signed by the Plenipotentiaries of the said Courts on the 1st of October, 1777, and also in virtue of the Instructions for this great work signed by D<sup>n</sup> JOSEPH DE GÁLVEZ on the 6th of June, 1778, it is deemed necessary to draw up a Plan in which shall be minutely specified all that concerns

Detailed  
instructions  
necessary.

<sup>1</sup> The Brazilian Special Mission at Washington can produce in the very original :

1st. The *Letter of 12th September, 1779*, of the Viceroy of Rio de la Plata, submitting the above *Plan* to the Viceroy of Brazil.

2d. The very *Plan* appended to the said Letter.

The former of these documents composes folios 25 and 26, and the latter, transcribed in the corresponding Volume of original documents, and translated here, forms folios 28 to 52 in Vol. I. of the *Correspondence between the Viceroy of Brazil and the Viceroy of Rio de la Plata*. In that volume and in the following are bound the Letters and other original documents received from the Viceroy of La Plata, General VERTIZ, by the Brazilian Viceroy, LUIZ DE VAS-

the Demarcating Parties (Partidas Demarcadoras), the formalities with which they are to carry on their work and conduct themselves, what they may require both in provisions and as to the number of men who are to accompany them, so that, the Viceroy of Brazil having agreed to all, the requisite preparations may be made, and this important expedition may be entered upon without loss of time.

#### FIRST DIVISION.

THEIR MAJESTIES command that "this Division shall be composed, on the part of Spain, of two Principal Commissioners, two Engineers, two Geographers, and *From the Chuy to the mouth of the Pepiry-* two native Guides (Practicos del pais); that this Division shall meet at Montevideo, and that the Portuguese shall do so at the town (villa) of Rio Guaçu.

Grande de S. Pedro, in order that the respective Commissioners of both having agreed as to the point where they are to unite, and all other matters relating to their Parties (and it seems that the Military Post <sup>1</sup> of the Chuy is the place at which the Demarcation should begin), they may carry on their operations from that point, in conformity with Articles 3, 4, 5, and 6 of the Preliminary Treaty; and HIS MAJESTY has resolved that this Division, after having gone part of the way together, shall divide itself, forming two subdivisions, each consisting of one Commissioner, one Guide, and half of their followers, both Spanish

CONCELLOS E SOUZA, and the copies of letters written by the latter, all authenticated by the signature of VASCONCELLOS himself.

*This document, now printed for the first time, shows that the rivers Pepiry-Guaçu and S. Antonio, which the King of Spain ordered to be demarcated under the Treaty of 1777, were the very rivers that were demarcated in 1759, that is to say, the same rivers, which Brasil has always held as its boundary.*

The spelling of the original has been scrupulously respected in the transcription.

A copy of the said *Plan* occurs in the manuscript *Diary* of CABRER (Vol. I., Pref., pages 47-82), but with modification of words, intercalations, and omissions of passages, doubtless due to the carelessness of the copyist.

Mr. MILTON GONZALEZ, a supporter of the Argentine claim, has omitted this important document in his edition of the *Diary* of CABRER.

<sup>1</sup> *Guardia*, in Spanish; *Guarda*, in Portuguese.

and Portuguese, and that one shall continue by the crest-line of the watersheds between the river-basins of the Uruguay on the West, and of the Yacuy on the East, until it arrives at the mouth of the Pepirí-guazú."<sup>1</sup>

*First Subdivision.*<sup>2</sup>

We will first treat of this First Subdivision, and we will afterwards do the same of the Second. This First Division will have no difficulty in carrying its men on horseback, and its provisions in carts; because, **Carts, Provisions, and Escort.** although the ascent of the Montegrande<sup>3</sup> is laborious, the carts which are brought can be left here, and some of the small carts (carretillas) used by the Indians can be brought from the villages of the Uruguay and sent up the same Montegrande beforehand, the largest being chosen; and the loads can be taken to them, to be sent on to the above-named place where the Demarcation which is to be executed by this Subdivision is to terminate.

The same must take an escort of Dragoons, and it seems that thirty men, with a Lieutenant and a Second-Lieutenant (Alferes) would be quite sufficient; and the corresponding Portuguese Subdivision must take the same number of troops.

The provisions for these escorts and for the service men, including cowboys (peones), foremen (capataces), carters (carreteros), and soldiers, shall consist of cattle, biscuit, maté (the Paraguayan tea), pepper, salt, tobacco, and some brandy. The rations of the Officers must be in proportion to their number, and shall be reckoned as for six to eight months, since it is to be concluded in the shortest time, and without much trouble, considering that it is to be carried out on a beaten and known track, with few rivers, or none, to cross.

<sup>1</sup> This document having been translated from the Spanish, the geographical names are written according to the Spanish orthography.

<sup>2</sup> 1st Subdivision of 1st Division.

<sup>3</sup> The name of Monte Grande was given by the Spaniards to the Serra Geral, a Mountain Chain North of the rivers Ibicuby and Jacuhy, and more particularly to the section named Serra de S. Martinho.

While the Delimitation Commissioners examine on the mountain-chain, or Montegrande, the headwaters of the Rivers Araricá and Ybicuy-mini (which are not very far out of the way), between which the Boundary Line is to pass, the whole baggage can be taken up the Montegrande, to continue the march and Demarcation.

*In order that the Delimitation Commissioners of this Party may attain the end indicated to it at the mouth of the River Pepirt-guazú, they must guide themselves by the course of the River Uruguay-Puitd, as far as its confluence in the River Uruguay, because at the distance of two leagues and one third, following the bank of the River Uruguay in a westerly direction, the mouth of the River Pepirt will be found on the side opposite.<sup>1</sup> The River Uruguay-Puitd is well known to the Indians of Misiones, principally to those of the village of Sr. Angel, who are nearest to it, and its sources are crossed at the way leading to the Baqueria.<sup>2</sup>*

*The mouth of the River Pepirt-guazú is in Latitude 27° 9' 23". When the Uruguay is low, a small island is visible at its mouth, and at the point of the same mouth, on the eastern side, there will be found a place from which the trees have been cut down, and in the middle of this clearing, one standing-tree, thirteen feet in height, upon which a Cross has been carved, with the characters—R. F. AÑO DE 1759.<sup>3</sup>*

As in the Instructions nothing is said about this First Subdivision entering the river Pepirí-guazú, but it is only stated that they are to go as far as its mouth; in case they should wish to examine and survey it as far as possible, notice must be given beforehand to the Village of San Francisco Xavier for some light Canoes to be sent with Indian rowers to the said mouth in order that the Geographers of this Subdivision

<sup>1</sup> Seven words were omitted here in the copy by CABRER.

<sup>2</sup> *Baqueria*, in Spanish; *Vaccaria*, in Portuguese. *Campos da Vaccaria* is the name of a district in the NE. part of Rio Grande do Sul.

<sup>3</sup> The inscription was:—R. F. ANNO DE 1759. *Año* is the Spanish translation of the Portuguese word *Anno*. The two initials mean—*Rei Fidelissimo* (Most Faithful King), i. e., the *King of Portugal*.

may carry it out; which canoes, even in case no survey up the river should be made, would be necessary for that of the said mouth, and the same Indians can light several fires near it so that their smoke may serve to guide the Delimitation Commissioners.

It will be very useful to this Subdivision to carry instruments to break through the bush which it is very natural that there should be on the southern bank of the River Uruguay, to open a track by which the Delimitation Commissioners may proceed.

If on this southern bank, where the demarcation by this First Subdivision is to end, there be any convenience for pitching a hut (Rancho), in which they can conclude their work, both in connection with the Plans and with the Diary, it will be very convenient to have everything drawn out clean and signed reciprocally there; but, if such a place cannot be found, they can retire to the Village of S<sup>a</sup> Angel, where they will find it; as it seems that the return journey will be easier through this Village and that of S<sup>a</sup> Miguel than by the country through which the Divisional Line was carried, seeing that the former is a beaten track.

The best Guides for this Party should come from the villages of the Uruguay, specially from Santo Angel, the natives living northward between the latter and the bank of the said Uruguay being preferable.

#### *Second Subdivision.<sup>1</sup>*

HIS MAJESTY commands that "*this Second Subdivision shall separate from the First from the River Ybicuy, which has its source in and passes by the Montegrande, and that proceeding through the Villages (Pueblos) of Misiones as far as that of Candelaria, or that of Corpus, the last village on the eastern bank of the Parand, it shall ascend it in boats as far as the foot of the Salto (Falls) of the River Yguazú or Curituba, which is distant three leagues from its mouth in the Parand; and that, haul-*

River S.  
Antonio.

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<sup>1</sup> Second Subdivision of the First Division.

*ing along its northern bank the medium-sized canoes it may carry, or building new ones above the Salto, it shall navigate in them as far as the River San Antonio, which is the second that enters it on the southern side, and going up this river as far as its waters will allow, shall endeavor to survey its source, and to connect it with the Pepirt-guazú, whose mouth the First Division will already have surveyed; and on its return, it shall lay down the demarcation from the mouth of the Yguazú to the foot of the Salto Grande (Great Falls) of the River Parand, in conformity with Article 8, of the Treaty, if it shall not find<sup>1</sup> it more opportune to do this before entering the Yguazú."*

This Second Subdivision is to separate from the First, three leagues North of the Batoví Hills, taking the road which runs to the NW. as far as the new Village of San Nicolas, which lies on the western bank of the River Ybicuy-guazú; and, passing near this Village, to follow the road leading to that of San Borja, which is on the eastern bank of the Uruguay, because although there are two full-flowing rivers (rios caudalosos), and some rivulets (arroyos) to pass, when the former are not flooded, they are easily crossed.

This Party may proceed on horseback, and in carts as far as the said Village of San Borja, where they should be left until its return. From this Village the Party ought to cross the River Uruguay, and to convey their provisions in the small Indian carts (carretillas de los Indios) along the road going to that of Corpus, which is the last on the River Paraná. This village must be told beforehand to have at least eight rowing boats ready, and the same number of fishing canoes, and to make the necessary preparations both for the Spanish and the Portuguese Parties; and it would be very useful to order forty or fifty men from the City of Assuncion del Paraguay to come down to the Village of Corpus to work as oarsmen, inasmuch as, without this help,

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<sup>1</sup> In the copy sent by the Viceroy of La Plata to the Brazilian Viceroy, the copyist wrote inadvertently—*tanvien (tambien) por mas oportuno*, instead of *tubiesen por mas oportuno*. The above passage is a reproduction of another in the preceding document, the Royal Instruction of 6th June, 1778.



the Indians would try the patience of the Expeditionists by their want of activity, and at the same time the said Paraguayans, carrying their arms, would serve as soldiers in any needful operations in the woods ; and in this case the taking of a large body of troops would be avoided, because twenty Spanish and twenty Portuguese soldiers with their Officers would be sufficient, and the more so if the Portuguese were natives of St. Paulo (Paulistas), on account of the great experience they have of travelling in the woods, and even for the building of canoes if necessary.

*This Party, taking to their boats at the port of the said Village of Corpus, will navigate as far as the mouth of the River Yguazú (in doing which it will spend little more than twenty days), and, entering the same, will continue up four leagues as far as its Salto Grande (Great Falls), and at three leagues and one fifth from its mouth a small sandy creek will be found, near a stream with a high Fall, which empties itself on the southern side, where the boats can stop, and a camp can be pitched, until they go up and establish another, which will be necessary also above the Falls.*

Before this creek, at a short distance, a place will be found in which to take above or over the Salto (Falls) all the canoes that are not very large, and in spite of the great labor, it can be accomplished by hauling the canoes through these difficult places a distance of 3,400 Toises until the upper waters of the same Salto are reached. There trees will be found, which can be used for making canoes should they be necessary, and for this purpose tools must be taken to construct the canoes. In the same Salto, on high ground above the flood level, huts must be made in which to store a part of the provisions, so that they may be preserved in good condition, and care should be taken not to begin this work in the months of December, January, and February, as being the season of freshets on the Paraná, which keeps back the waters of the Yguazú, consequently increasing its depth so much that punting poles (varejones) cannot be used. These are long iron-shod poles with which the canoes can be propelled more rapidly than with oars.

*From this Salto (Falls) of the Yguazú the river will be navigated for a distance of twenty leagues as far as the mouth of the River San Antonio, which will be reached after an eight days' journey, and which lies in latitude  $25^{\circ} 35' 4''$ .<sup>1</sup> Entering this river, it will be found that at a distance of little more than a league and three quarters it divides into two branches, the smaller bearing the name of San Antonio-Mini, and the eastern branch, which is the larger, must be followed.*

*This River San Antonio is not navigable, and can only be explored by following on foot the banks to its source, which, nevertheless, presents a number of difficulties to overcome, and those who go on this exploration ought to be on their guard against the wild Indians, who dwell in this district, and they must carry their arms ready, inasmuch as many persons cannot enter it because of the difficulty of carrying supplies.*

*From the mouth of the River San Antonio the Party shall return surveying the River Yguazú as far as its mouth, which is in Latitude  $25^{\circ} 35' 51''$ ,<sup>2</sup> which empties itself into the Rio Parand, and shall continue the demarcation up this river as far as its great Salto (Falls), which is in Latitude  $24^{\circ} 4' 17''$ .<sup>3</sup>*

For this navigation of the Paraná it will suffice for each of the respective Parties to take one boat with provisions, and a few canoes for the purposes that may occur, leaving the rest, either on the Yguazú, or in a suitable place on the Paraná, with a sufficient guard.

After three days' journey, some tremendous expanses of bubbling waters will be reached, in which there is a small rocky island, and it is indispensable to propel the boats by punting, and the same thing will happen several times from this point upwards.

At eight days' journey from the mouth of the Yguazú, the boats and even the canoes must be left behind, inasmuch as the navigation from here to the Salto is impracticable; and a Party must be sent by land, with the Geog-

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<sup>1</sup> Not  $40''$  as in CABRER's Manuscript.

<sup>2</sup> Not  $21''$  as in CABRER's Manuscript.

<sup>3</sup> The remainder of this Document has no bearing on the present Case.

raphers, as far as the same Salto Grande (Great Falls), because when this has been recognized, as well as the character of the road, it is advisable that the determination of the distance between the Salto and the mouth of the Ygatimý should be given to the Second Division, or to a Subdivision of it which though it is small will not be so inconvenient for it.

The supplies which are to be conveyed by the river for this Party shall consist of jerked beef, biscuit, pepper, salt, maté, tobacco, and a sufficient quantity of brandy, which will be required for the cowboys (peones) who will often have to go into the water. As the jerked beef may become rancid and decay with the damp, from Misiones to the mouth of the Yguazú the provisions will be renewed which the Commissioners may think necessary for this Party. This jerked beef must be ordered to be prepared at Misiones beforehand, so that it may be ready at the Village of Corpus when this Subdivision arrives there.

The Paulistas,<sup>1</sup> who are much accustomed and fitted for these navigations, carry in their boats a sufficient quantity of bacon, which they cook with black beans, and these being found in Misiones, it will be well to have them ready, as they will be good food for those that go; and a few barrels of salt beef can also be taken. All these provisions, except the salt and brandy, must be prepared in the Misiones of the Paraná for the Spaniards and the Portuguese, in order to avoid the carriage overland as far as San Borja, and also because they can be obtained there at a very reasonable price.

Besides the tools required for building canoes, and to open up tracks through the woods, these Parties must take hooks and lines for fishing, and also assorted shot for hunting. It is also indispensable that they should take a certain quantity of merchandise, such as baize, cloths, linen sheets, linen cloth, ever-lasting, hats, woollen stockings, silks for women, assorted sashes, knives, medals, beads, mirrors, and such ornaments, not only for use in paying the Paraguayans

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<sup>1</sup> The natives of Sam Paulo, Brazil.

and Indians who may be employed, but also as small presents to the wild Indians, who might come to visit these Parties, in order to make them gentle and tractable.

The rations of the officers employed in this Party must be separate from the above-named provisions which are only to be used for the workpeople and the soldiers who may go.

This Party having completed its commission, shall return to any one of the Villages (Pueblos) of the Paraná or of the Uruguay, which may seem most convenient, to prepare there four copies of its work, both Diaries and Maps, which shall be signed by the Commissioners, Astronomers, and Geographers of both Parties reciprocally; and afterwards they shall withdraw to such places as they may be ordered, which it seems convenient should be Buenos Ayres, by the River Uruguay, for the Spaniards, and Rio Pardo, by San Borja and San Nicolas, for the Portuguese.

#### SECOND DIVISION.

In accordance with the commands of HIS MAJESTY, "the Second Division shall be subdivided in the same manner as the preceding; and it is understood that it, as well as the two remaining ones, shall consist of the same number of persons. The meeting of the Spaniards of this Second Division shall take place at Asuncion del Paraguay; from there the First Subdivision shall proceed to the town of Curuguaty, not far from the River Ygatimí, the place to which the Portuguese Party is to come after having assembled in the City of San Pablo<sup>1</sup>; and the Spanish and Portuguese forming the two halves of the Subdivision having joined at the mouth of the said River Ygatimí, shall begin their Demarcation on the latter, taking it as a boundary, since in the country there is no river known by the name of Ygurey, and the Ygatimí is the first full-flowing (caudaloso) river that enters the Paraná by its western bank after its Salto Grande (Great Falls); and ascending the Ygatimí to its origin, at a short distance may be seen the sources of another river which, flowing westward, empties itself into the River Paraguay, where it is known by

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<sup>1</sup> The city of Sam Paulo, Brazil.

the name of Ypané, which is to be taken as the boundary because there is not in this region any river of the name of Corrientes."

This Spanish Division, when complete, must prepare for the journey of the Paraguay in the City of Buenos Ayres, and travel by rowing boats, the most suitable of which are those that navigate the Paraguay; the lightest or smallest will be the best, and if the latter are used at least six or seven will be required, but if the larger, one may be omitted; the large boats require hard rowing up-stream, and consequently delay the journey.

Although this Division is to go united as far as the City of Asuncion del Paraguay, as it is to be subdivided into two, we will first treat of the First Division, and afterwards of the Second, in order to avoid confusion.

*First Subdivision.<sup>1</sup>*

This Subdivision can leave with very few men because in Paraguay it can take as many as may be necessary, and the best for the work to be done will be the men of Curuguaty, who are thoroughly accustomed to working in the bush, and for this reason it is considered the departure from that City should be made with fifteen men as an escort.

This Party having arrived at the City of Asuncion shall proceed by land as far as the Ygatimí, and for this journey it shall take carts with which to convey its provisions as far as the place called Ajos, thirty leagues from the same City: there the pack mules should already be, for from this point onwards carts cannot pass and the Party will have to convey all its baggage to the Ygatimí by these animals; and as the similar Portuguese Subdivision is to await this one at the mouth of the Ygatimí, the latter shall follow this river to the said mouth until it meets the Portuguese Subdivision in the canoes with which it is to be supplied by the Portuguese Settlement on the said Ygatimí, or in those in which this river is to be ascended by the Second Portuguese Subdivision which is to proceed to Paraguay, and it must take

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<sup>1</sup> First Subdivision of the Second Division.

pilots of the same river on account of the reefs that have to be passed there.

The Parties having met at the mouth of the said river, must follow the Paraná; and at a distance of a little more than two leagues, they will meet the Salto Grande (Great Falls) of that river; and they must be careful to keep the canoes close to the western bank, and must not venture into the middle of the river on account of the current, and landing they shall travel through the woods to examine the same Salto. The Commissioners and other Officers of the former Demarcation made this examination naked in order that they might cross the different channels which rush between the rocks into the same Salto, and they had the satisfaction of very closely enjoying its admirable prospect.

The observations, plans, and the description of the Salto (Falls) having been made, the Delimitation Parties shall return to the mouth of the Ygatimí, following it up to its sources. This river is not navigable from a fork above the ford called Paso de los Indios Caballeros (Ford of the Indian Horsemen), and, even from the said ford to the fork, it is only so in very small canoes. This fork has two branches, and the one must be followed which flows from the West, through the wood, as far as its source, which comes out in a small field near the wood. At a distance of 444 Toises from this source is that of the nearest river that flows into the Paraguay, which source empties its waters into the River Aguarahy, and the latter into the Ypané-guazú. Coming out of this field, towards the South, one comes out into open country, through which it is possible to walk as far as the bank of the River Aguarahy, in which a ford will be found.

This River Aguarahy is not navigable, not only on account of the Saltos (Falls), the first 9 Toises in height and the second 64, but also because the land on its banks is impenetrable on account of the rocks and the cane thickets (tacuaras) of which they consist, so that canoes cannot be hauled through them. In the last demarcation the Delimitation Commissioners used every endeavor to examine this

river below the Salto (Falls), and all their efforts were of no avail. After that time, in 1769, a Captain with 200 men went out to repeat the attempt, and having travelled in that Mountain range for some time, he came back with the information that it was impracticable to pass through; and so this part of the demarcation of the River Ypané must be taken as accomplished, as the same Delimitation Commissioners did, since it makes no difference in the demarcation (the mouth and the source of the River Ygatimí being known) whether its course is in one or another direction.

Near the sources of the Rivers Ygatimí and Ypané there are more than twenty Encampments of bush Indians called Caoans, who wear their hair long except on the top of the head, where they have a large tonsure like monks, which they make with sharpened stones; and for this reason the men who go into the woods must do so with care, and always with firearms, because there they attacked a party of Delimitation Commissioners. They come with an appearance of peace in small bands into the Portuguese Settlements of the Ygatimí, but they are never to be trusted; they understand the Guarani language well, and they preserve some small though much confused lights of the Catholic Religion.

The observations, Map, and Diaries having been concluded in this part of the ford of the River Aguarahy, the Spanish Party, that is to say, its First Subdivision, shall withdraw to Paraguay, and the Portuguese to the Settlement of the Ygatimí, or wherever it may be ordered.

*Second Subdivision.*<sup>1</sup>

This half of the Second Spanish Division is to stop at the City of Paraguay to await the arrival of the Portuguese Subdivision which is to come by the Ygatimí, to which end, from the same City, horses, mules, and cattle must be sent forward to the Ygatimí for the conveyance of the Portuguese Party, and the mules must have harness suitable for carrying baggage; and the Portuguese Commissioner, as soon as he

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<sup>1</sup> 2d Subdivision of the 2d Division.

arrives, will ask all these things of the Captain General (Governor) of Paraguay, by a special messenger, if this step has not been previously taken at Buenos-Ayres.<sup>1</sup>

These two Subdivisions having united in the City of Paraguay, and the boats required for the Spaniards and the Portuguese having been prepared, they shall ascend the river of the same name (the Paraguay) together until they come to the mouth of the River Ypané-guazú, which is in Latitude  $23^{\circ} 38'$ , and is 12 Toises wide, and as it is not possible to navigate the Ypané coming from the Ygatimí, it will be necessary in the journey to the Jaurú to enter this river Ypané, even though it be in canoes (which must be taken), and to examine it, in the part that may be navigable, in order to represent on the Map any drawing of it that it may be possible to obtain.<sup>2</sup>

From this mouth of the Ypané-guazú the demarcation shall be continued, in conformity with the Preliminary Treaty, as far as the mouth of the River Jaurú, crossing the marshes known by the name of Laguna (Lake) de los Xarayes, along the bed of the River Paraguay, in the dry season, and as the same bed is concealed by the great Lake which is formed in the season of freshet, which is in January and February, it will be very useful to take Pilots who will be found in the City of Asuncion, among the men who travelled the same river during the last survey, because without them there may be mistakes that would delay operations, owing to so many outlets of lakes and rivers, which appear to be the continuation of the main stream, and after entering them there is no help but to turn back and seek the channel of the river, which results in loss of time. The best time for coming out of the Paraguay will be the middle of July, so as to reach the Jaurú about the middle of October, and to be able to go even beyond as far as the confluence of the Rivers Guaporé and Sararé.

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<sup>1</sup> "This Subdivision may take at Buenos-Ayres twenty Soldiers with an Officer, and in Paraguay it may take as many military men as may be necessary."—(*Marginal Note of the Viceroy of Rio de la Plata.*)

<sup>2</sup> Thirty-one words were omitted by CABRER in copying this passage.



The mouth of the River Jaurú is in Latitude  $16^{\circ} 24' 19''$ , and will be easily recognized by a marble landmark which was erected more to the South, and near it, at the time of the former demarcation, and which is twenty-two spans high, and stands there still.<sup>1</sup> In this place all the necessary observations and plans must be made in order to continue the Boundary Line, in a straight line from the said mouth of the Jaurú to the confluence of the Rivers Guaporé and Sararé, in conformity with Article X. of the Preliminary Treaty, with the modifications expressed therein, and the Governor (Capitan General) of Matto-Grosso can send some canoes to the mouth of the Jaurú, or await these Delimitation Parties with guides to conduct the Commissioners from the Jaurú to the mouth of the Sararé.

As in the City of Asumcion of Paraguay money does not circulate, and as goods are bartered for others, instead of money, the Delimitation Parties must take such merchandise as is most in demand there with which to pay their expenses in that Province, as well as the wages of the masters and rowers of the boats, as well as the cowboys, horse and mule hire, and for the purchase of provisions.

The whole of the work of this Subdivision at the mouth or confluence of the River Guaporé having been concluded, it shall return to the Capital of Paraguay, rectifying on the downward course the plan of the river, and in this City they can make fair copies of the Diaries and Plans signed by both Parties, the Portuguese withdrawing to the Ygatimí, and the Spanish to Buenos Ayres.

### THIRD DIVISION.

Regarding this Division, which is to be formed at the confluence of the Rivers Sararé and Guaporé, no arrangements can be made from here, unless the Spanish Party should march or navigate from this City of Buenos Ayres by the river Paraguay as far as Mato-Grosso; but as HIS

<sup>1</sup> "The Landmark is 275 Toises to the N.  $\frac{1}{4}$  NE. of the Jaurú, and was not set up at its mouth on account of the lowness and swampy condition of the ground."—(*Marginal Note of the Viceroy of the Rio de la Plata.*)

MAJESTY leaves the meeting of both to the decision of the Governor of the Province of Mojos, it only seems that if there are here more geographers than the appointed number, one of them might be sent to the Subdivision that is to start from Paraguay, to be conveyed to Matto-Grosso and join its Third Division, as there will not be any Officer in that Province who will know how to perform astronomical and geographical observations.

Everything has been said that relates to the Divisions which can be carried out from Mato-Grosso to the Chuy with its details regulated by the Preliminary Treaty and the Commands of HIS MAJESTY ; but as it is indispensable to give some regulations for the guidance of these Subdivisions, and to inform them as to the way in which they are to be conducted, in order that all things may be done by both Nations with uniformity, and without any contention, that which will contribute to this end will be stated.

Besides the Commissioner, Engineer, Geographer, and Guide who, according to HIS MAJESTY'S command, are to form part of each Subdivision, there must be with each of them a Chaplain with his portable Altar, at which he can say Mass, and administer the Holy Oils, and moulds for making sacramental bread, a Surgeon and bloodletter, and some medical stores. Each Party will require also a Commissary (Proveedor) to take charge of all goods, provisions, and stores that will be taken, so that they may be given out and accounted for with reason on the orders of the Principal Commissioner of the Party, necessary entries being made so that dates may at all times be accessible.

By Article xv. of the Preliminary Treaty the two August Sovereigns command that duplicate reports of the demarcation shall be drawn up, as well as an accurate Map of the frontier to be examined ; and the said Commissioners are to show in what manner the Spanish Parties have made use of the astronomical instruments the Portuguese may bring, before those which are to come from Spain arrive, because this was agreed upon between the two Courts.

By virtue of Article vi. of the same Treaty the Delimita-

tion Commissioners are to give attention to the Neutral Territories they are to define respectively, that is to say: The First Subdivision from the beginning of its work, from the Rivers Chuy and Tahin, until it reaches the southern bank of the River Uruguay, opposite the mouth of the River Pepirí-guazú; The Second Subdivision from the sources of the River Pepirí-guazú to those of the River San Antonio; The Third Subdivision from the sources of the River Ygatimí, to those of the River Ypané; The Fourth from the mouth of the River Jaurú, as far as opposite to the confluence of the Guaporé and Sararé, in case the Line should be carried over land, and not by some river, according to the modifications in Article x. of the Preliminary Treaty. It seems probable that the work will be carried out with less uncertainty and doubt if at the same time as the Boundary Line the Neutral Territory on either side of the same Line is marked out in reasonable proportions and by the most visible and safest landmarks, according to the provisions of the same Article VI. to which they must conform; which Neutral Territory shall be marked in the Maps with all its characteristics, and shall agree with the Diaries.

The landmarks which are to be set up in the places appointed by Article XIII. as well as the inscriptions mentioned in the same Article, must be sent ready made, because perhaps in those places there may not be any stones suitable for making them, and it will also be necessary to take a stone-mason who can carve the inscriptions, and to work up the surface of the stones in the direction of the Boundary Line and also in the direction determined by the Neutral Territories. And the Commissioners must also be directed to set up Landmarks in all places that may seem most suitable to them, in order that the Line may be visible. These may consist of cairns in pyramidal form, and even of beaten earth in places where there are no stones.

As each Party is to consist of an equal number of Spaniards and Portuguese, they will have to draw lots on the first day's march in order to determine which is to lead the advance upon that day, and the Nation having been so in-

licated, upon the following day that one shall lead which on the previous day had taken the rear, and so on in succession ; but if this could not be exactly carried out and if it seems better to them that the river Pilots should go first or if there be any other objection to it, they will not be bound to carry it out, but they shall do what may be to the common advantage and for the progress of the voyage.

The same alternate arrangement shall be observed in marches overland ; the Party encamping on the right hand which the next day is to lead the advance, and the same rule shall be observed in case the Delimitation Parties are attacked by any tribe of the wild Indians, and the supreme command shall be taken by the Commissioner of the Party which leads the advance upon that day, and he shall give it over on the following day to the Commissioner of the other Nation ; for such attacks are of very short duration.

Offences committed among subjects of the same nationality are to be tried and punished by their respective Commissioner with his assistants who are to be the Officers that are to take his place when he is unable to act ; but if such offences are committed between subjects of the two nationalities, the Commissioners of both, with their assistants, are to try them ; and if the offence be grave, it will be better, if possible, to refer the guilty persons and the sentence to this Superior Government and to that of Brazil.

The Geographers and Engineers must bear the rank of Second and Third Commissioners, so that they may succeed the First in case of death or just impediment, and these are to be the assistants in their respective Parties.

The Maps of all the Divisions are to be drawn to the same scale, and will be clear enough if this be of half an inch of the Paris King's Foot (*Pié de Rey de Paris*) per league, corresponding to ten inches to the degree. The degree is to be regulated by 20 French leagues, each of 3,000 Toises. The same Maps must be corrected of the variation of the compass so that they may correspond with the true Cardinal Points of the World.

It is indispensable that every night the Geographers should

meet in conference, to see whether their work agrees with the Map, and in like manner with the Diaries, as there must not be any differences that could give rise to doubts when the fair copies are made, when it would not be possible to remove them.

The Diaries must give full details and must describe the nature of the ground, woods, fields, mountains, and all objects worthy of attention ; and in like manner, with regard to mountain ranges appearing in the distance, their direction and the distance, more or less, from the observers. In the descriptions of rivers, the nature of their banks must be noted ; whether they are of stone, earth, rocks, or marshy, and whether they are high or low ; whether covered with trees or free from them ; the reefs and falls that are met with in them, with a description of these obstacles and the manner in which they were overcome ; the rivers and streams flowing into them, and lastly all features worthy of being mentioned. The same Diaries must also describe any rare animals that may be seen, both quadrupeds and birds, and and all objects that may be interesting from the point of view of Physics and Natural History.

As the Delimitation Parties are to stop at night, those travelling overland to pitch their camp, and those travelling by water to moor their boats, in order to allow the men to rest, it would seem that this will be the best time for the Geographers to take their observations of Latitude by the stars, as it is less convenient to take them by the Sun, in which case it would be necessary to stop in time to prepare the quadrants, and because observations of Longitude can only be taken by night, by the immersion of the Satellites of Jupiter, or by some Eclipse of the Moon, when there is one, of all of which it is very useful to take advantage ; and in this manner both can be done at the same time, and whenever observations of Latitude are taken it will be well to observe two stars, because if they are properly taken there cannot be any important difference between them, and it will be proved that they are correct.

The observations of the variation of the magnetic com-

pass need not be taken every day, but it will be well not to allow many days to pass without taking them, so that by means of them the directions set down in the rough copies may be corrected and that these corrections may be transferred to the graduated Map. If there are Barometers and Thermometers, observations of them will be useful.

The Geographers and Engineers must go on drawing up together the Map which is to be made, including in it the region through which the Boundary Line passes, as far as the eye can reach, and all things of which they have reliable information; but they must indicate in the Map, by means of a line, what they record from actual observation, from what they have merely conjectured or been informed of by others, bearing in mind that all things relating to the Boundary must be examined by themselves personally, and of this Map they daily will make two copies, one by the Spanish Party and the other by the Portuguese; and the same applies to the Diary.

The Spanish and Portuguese Parties or Divisions are to treat one another with the best harmony, considering one another as of the same Nation, their respective Commanders or Chief Commissioners not claiming superiority over one another under the pretext of holding higher rank.

They are to help each other in all their needs, making changes and giving vouchers for whatever they may receive in order to facilitate the balancing of accounts; and the same instructions must be given to the Governors through whose districts they will travel, so that they may be supplied at a fair price with all they may require, and in this manner it is to be hoped that this great work may be concluded much to the satisfaction of the August Contracting Sovereigns.

REPORT OF FLORIDABLANCA (1781)  
AND  
INSTRUCTIONS OF CARLOS III DE HESPAÑA  
(1788).





## REPORT OF THE ADMINISTRATION

OF COUNT DE FLORIDABLANCA, MINISTER OF STATE, PRESENTED TO CARLOS III., OF SPAIN, ON THE 6TH OF NOVEMBER, 1781.<sup>1</sup>

(Translated from the Spanish.)

SIRE :

ON the 19th of February, 1777, I had the honor to present my homage to YOUR MAJESTY, and I then took charge of the portfolio of the Ministry of State which YOUR MAJESTY had deigned to entrust to me.

At that very moment the expedition to the Rio de la Plata was leaving Cadiz to obtain satisfaction for the insults of the Portuguese in the Rio Grande de San Pedro and to prevent further aggressions. At the same time negotiations had been entered upon to put an end to these controversies through the mediation of France and of England.

The death of D. JOSÉ, King of Portugal, offered a favorable opportunity for the negotiation of peace. The Portuguese Ambassador, D. FRANCISCO INNOCENCIO DE SOUZA COUTINHO, having proposed to me that negotiations should be entered upon for the settlement of those questions, I replied to him immediately that I would consent to his proposal on the understanding that we were to treat without the intervention of mediators ; to which he agreed.

Negotia-  
tion of  
Peace be-  
tween  
Portugal  
and Spain.

<sup>1</sup> Madrid, 1829, in 8º ; and in C. CALVO, *Recueil Hist. complet des Traités*, etc., Vol. vii., pg. xvii. to xxii.

My object was to exclude from the negotiation the powerful Courts of France and England, which, having no motive whatever for jealousy against Portugal, might, although friendly, lean towards an arrangement detrimental to Spain. It was also a part of my plan that Portugal should contract a debt of gratitude for such concessions as YOUR MAJESTY might be pleased to make to it ; whereas by accepting the mediation of France and England, it was natural that we should manifest our gratitude to these two Powers of whom we should be accepting as services the sacrifices that would be imposed by them on Spain. The negotiations were commenced upon this basis, which YOUR MAJESTY was graciously pleased to approve ; and the Treaty of 1777. Limits, signed on the 1st of October, 1777, removed the obstacles which were opposed to the union now happily prevailing between the two Courts, and to the execution of other Treaties from which we have derived great advantages, particularly in the last war.

By this Treaty YOUR MAJESTY obtained Colonia del Sacramento, as well as the exclusion of all nations from the Rio de la Plata. Spain had three times retaken and destroyed Colonia : the first towards the end of last century, when it had just been established ; the second, at the beginning of the present century, during the war of Succession ; and the third, during the war of 1762, which was ended by the fatal Treaty of Paris. On these three occasions, France and England intervened for the conclusion of the treaties, and Spain always had to surrender Colonia.

It was reserved for YOUR MAJESTY to attain this desired object, and it was one of the happiest incidents of my ministry to be at once the instrument and the witness of this acquisition, to obtain the destruction of a shelter for the contraband trade of foreigners in the centre of the Rio de la Plata, and to deprive our enemies of the means of disturbing the peace of our provinces, fomenting insurrections, and appropriating the treasures of South America. For these reasons, so much importance was given during the preced-

ing reign to Colonia del Sacramento that, in order to acquire it, all the territory of the Ibicuí, including more than five hundred leagues in Paraguay, was ceded by the Treaty of 1750 with Portugal. The opposition and the intrigues of the Jesuits, as well as the reluctance of the Portuguese to the surrender of Colonia, compelled YOUR MAJESTY to annul this Treaty.

Why the Treaty of 1750 was annulled.

By the convention of 1777 and the definitive Treaty which followed it,<sup>1</sup> YOUR MAJESTY was enabled to acquire Colonia, keeping nevertheless the Ibicuí and the territory ceded in Paraguay, and to extend the limits of your dominions as far as Lake Merin from Castillos Grandes, to which it was reduced by the Treaty of 1750, and acquiring in the direction of the Marañon and of the Rio Negro all the territories necessary for the security of the Dominions of this Crown.

Spanish territorial acquisitions in 1777.

Those who are not acquainted with the true interests of the Monarchy and who only dream of acquisitions at any price whatsoever, without considering whether they are of real utility or not, have censured the conditions of our last treaties; they have blamed us for having given up the City of Rio Grande with the Lake of Patos, and of also having returned the island of S<sup>te</sup> Catherine, which we had conquered, without considering that we could not hold Rio Grande against the provisions of the Treaty of Paris, and that General Don PEDRO CEBÁLLOS himself, who had taken this island, represented it as being useless to us: they do not consider that the island of S<sup>te</sup> Catherine, which does not form an important part of Brazil, would have occasioned us large expenses without any profit, since it would be exposed to constant aggressions, and that it would be retaken in the first war; that the whale fishery which is carried on there, can be carried on also, and with greater advantage, near our coasts of Buenos Aires and in the whole Southern

<sup>1</sup> The *Treaty of Amity and Guarantee*, signed at El Pardo the 11th of March, 1778 (in BORGES DE CASTRO, *Colectão de Tratados*, III., 268-291).

**Boundaries according to the meridian line impossible.** Ocean as far as the Straits of Magellan, where we are careless of greater interests; *finally that to extend our possessions in Brazil, as some appear to desire, by virtue of the famous division made by ALEXANDER VI., is a project of impossible execution, and, what is more, contrary to anterior agreements. Moreover, admitting this principle, we should have to surrender to the Portuguese the Philippine Islands, which, according to the demarcation made by that PONTIFF, belong to them.*

**Acknowledgment by Spain of its encroachments.**

The utility of this Treaty was not limited to these advantages and acquisitions; YOUR MAJESTY obtained also the cession of the islands of Annobon and Fernando Pó, with the right of carrying on the slave trade directly with the coast of Africa. It will be easy to appreciate the great advantages that must result from this right when we remember the necessity under which we are of using negroes in our vast possessions in the two Americas, the enormous sums which to this day we have had to pay the Portuguese, as well as the French and English, from whom we used to receive them, and that at this very moment we are tributaries to these latter. Regarding this, the good or evil use which it has been possible to make of this concession does not affect me in the slightest, I not having been charged with the execution of the Treaty.

Let us add that under this Treaty we have had the offer on the part of Portugal to guarantee us in the safe possession of Peru and of the other provinces of South America, not only against external enemies, but also against internal commotions. It would appear as though we had divined that war with England was imminent (in fact, it broke out in 1779), since during this struggle, when the Court of London was thinking of fitting out an expedition against Peru, the services and powerful mediation of the Portuguese Minister prevented its execution, as he did not hesitate to abide by the consequences of the engagement of his guaran-

tee. It will be easy to understand the fatal results to ourselves that might have proceeded from the sending of an English expedition against those provinces during the famous rebellion of Tupac-Amarú and his partisans. The hand of Providence had evidently marked out the Treaty of Lisbon for the protection of YOUR MAJESTY and this Monarchy, preserving YOUR MAJESTY'S immense possessions beyond the seas.

The friendship and good understanding restored by the Treaty of Portugal were of great benefit to us in the war with England. For the first time they did not use against us the right to frequent our harbors and the coasts of Portugal, while we also found there shelter and facilities for many important objects. We are also indebted to the Portuguese flag for the valuable service of transporting a part of our treasure from America, without any danger, and particularly a sum of three millions of pesos (Spanish dollars) which the ship *Buen Consejo* had left at the island of Fayal, which sum was put on board a Portuguese line-of-battle ship, sent expressly by that Government to prevent it from falling into the hands of privateers.

. . . . .

## A FEW PARAGRAPHS OF THE SECRET INSTRUCTIONS

GIVEN, ON THE 8TH OF JULY, 1787, BY CARLOS III., OF SPAIN, TO THE COMMITTEE OF STATE (JUNTA DE ESTADO), INSTITUTED BY A DECREE OF THE SAME DATE.<sup>1</sup>

(Translated from the Spanish.)

CXV.

Concerning the Spanish Boundaries with the dominions of Portugal.

WITH regard to our boundaries with the Portuguese dominions in South America, there is less to be feared from the power of these neighbors<sup>2</sup>; but there is much to guard against as to negligence on our part and the desire of our neighbors to extend their boundaries and to benefit, not only by the territory, but by the trade and produce of our inland provinces.

<sup>1</sup> "Instrucción Reservada que la Junta de Estado, creada formalmente por mi Decreto de este día deberá observar en todos los puntos y ramos encargados a su conocimiento y examen," published, with an Introduction, by ANDRÉS MURIEL, under the title of *Gobierno del Señor Rey Don Carlos III* (Madrid, 1839).

The paragraphs relating to the Brazilian boundaries were translated into Portuguese by the VISCOUNT DE SANTAREM in his *Quadro Elementar das Relações Políticas e Diplomáticas de Portugal*. SANTAREM's translation was transcribed in the *Recueil des Traité's . . . de l'Amérique Latine* by CARLOS CALVO.

<sup>2</sup> The preceding paragraphs have reference to the Spanish colonies adjoining the British possessions in America.

## CXVI.

It is important to determine their limits, as is stipulated in the Treaties, and especially in that of the 1st of October, 1777.

Nothing is more important to us upon this point than to fix the boundaries in the indelible manner stipulated in the last Treaties with the Court of Lisbon, and especially in that of the 1st of October, 1777, even though it may be at the cost of some cession or sacrifice of territory in regions where we have so much, because confusion and obscurity as to limits will always give rise to new encroachments on the part of the Portuguese.

Even at the  
cost of some  
sacrifice of  
territory.

## CXVII.

The Spanish Commissioners and others, for their own interest, have contributed to the desire of the Portuguese Commissioners not to locate the said Boundaries.

But our Commissioners, and even others who have intervened in these matters, departing from the principal political object, and aiming at their own interests, which may be said to be brief and temporary, have contributed to the desire of the Portuguese Commissioners, not to locate and conclude upon the said Boundaries, both parties resting on conflicting reasons and pretensions which partly prove in all of them little desire to agree, although, on the part of the Portuguese, I suspect that there was bad faith.

## CXVIII.

The principal points of contention are two. One from Montevideo to the sea, and to Rio Grande de San Pedro or Lake de los Patos.

The two principal points of controversy which have suspended the continuation of the Boundary are: one from Montevideo to the sea, and to Rio Grande de San Pedro or Lake de los Patos, in which the Spaniards, accustomed to make use, for their rawhide trade, of a great part of the cattle runs (vaquerias) as far as the said Rio Grande, find it to their

disadvantage to accept the Boundary laid down in the Treaty from lake Mirin, towards the interior, with the neutral border between the dominions of the two nations which was provided for in the Treaty. Upon this representations have been made by the Viceroy of Buenos Aires, with the object of extending the same Treaty or giving it a more favorable interpretation.

## CXIX.

Stipulations and due interpretation of the Treaties of 1750 with Portugal, and of 1756<sup>1</sup> with England. Remarks of General D. PEDRO CEVALLOS.

Nevertheless, it must be borne in mind that, in the Treaty with Portugal of the year 1750, the boundaries of the Spanish territory were located at Castillos Grandes, next to Maldonado, and far from lake Meirin, to which, by the last Treaty, we succeeded in extending our dominion, gaining much in land, pasturage, and cattle runs. That our having maintained after the Treaty of Paris in 1764,<sup>1</sup> with England, the advance we had made as far as Rio Grande, was contrary to the stipulations of that Treaty, in which we promised to restore to the Portuguese the status quo anterior to our rupture with them, a clause which D. PEDRO CEVALLOS did not carry out since he only restored to them Colonia del Sacramento, keeping the remainder as far as the said Rio Grande. That, nevertheless, the same Cevallos asserted then that the important point for us was the acquisition of Colonia, so that we might be in exclusive command of the Rio de la Plata, and prevent the establishment thereon, not only of the Portuguese, but also of the English, their rivals, whose commerce and military power would be dangerous to us in those provinces and in those of Peru, affirming that the settlements of the Rio Grande were of no use, and that this

<sup>1</sup> A typographical error in MURIEL. This Treaty was signed at Paris the 10th February, 1763.



river could not facilitate inland communications, because its waters soon ended in a sort of lake; and so it is that, according to this idea of the same Cevallos, we succeeded in the last Treaty in gaining possession of Colonia and in extending our Boundary from Castillos Grandes to Lake Meirin, retaining the Ibiasí,<sup>1</sup> its villages and territories which comprise more than five hundred leagues of Paraguay, ceded to the Portuguese by the Treaty of 1750, for the mere acquisition of Colonia, and in determining the other boundaries as far as the Marañon, for nearly three thousand leagues, in a favorable manner, and that, with these precedents, we must be satisfied with any part, however small, that we may obtain at that point, although the claims of the Viceroy and inhabitants of Buenos Aires may be repeated, since we have no solid and just reason, there not being a sufficient one for the claim in the fact that we did not keep the extension of the territory, pastures, and cattle runs which we usurped after the Treaty of Paris.

No foundation for the claims of the Viceroy and inhabitants of Buenos Aires.

## CXX.

The other point in dispute with Portugal is the Marañon, and the navigation of the Rivers Negro and Yapurá.<sup>2</sup>

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<sup>1</sup> So in the printed text, edited by MURIEL, but in the original the name should be *Ibicuy*.

<sup>2</sup> This and the following paragraphs have reference to the northern frontier of Brazil.



TREATY OF PARANÁ, 14TH DECEMBER, 1857.

BETWEEN

BRAZIL AND THE ARGENTINE CONFEDERATION.

*(Not in force through the Ratifications not having been exchanged.)*



## MEMORANDUM

PRESENTED TO THE ARGENTINE GOVERNMENT BY COUNCILLOR J. M. DA SILVA PARANHOS,<sup>1</sup> ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF BRAZIL ON A SPECIAL MISSION.

(Translated from the Portuguese.)

THE BOUNDARIES BETWEEN THE EMPIRE OF BRAZIL AND THE ADJACENT REPUBLICS cannot be determined by the Treaties concluded between Portugal and Spain, their ancient mother-countries, unless both the contracting parties are willing to adopt them as a basis for the demarcation of their respective frontiers. Nullity of the Treaty of 1777. The *uti possidetis*.

The conventions by which the two Crowns of Portugal and Spain sought to divide among themselves lands not yet discovered or conquered in America and to define their possessions already established on that continent, never produced the desired effect.

The doubts and uncertainties of such stipulations, the difficulties arising from one side or the other, and, finally, war, successively nullified all agreements, and established the right of *uti possidetis* as the only title and the only barrier against the encroachments of either nation and of their colonies in South America.

The last stipulations made and concluded between the two Crowns for the demarcation of their dominions in the New World are those of the Preliminary Treaty of the 1st

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<sup>1</sup> Afterwards (1870) VISCOUNT DE RIO-BRANCO.

October, 1777, whose provisions were in great part copied from the Treaty of the 13th January, 1750, which the former was intended to modify and explain.

The Treaty of 1777 was broken and annulled by the war which supervened in 1801, between Portugal and Spain, and remained so for ever, not having been restored by the Treaty of peace signed at Badajoz on the 6th June of the same year. Spain kept the fortified town of Olivença, which it had conquered by right of war, and Portugal, all the territory belonging to Spain, which, by virtue of the same right, it had occupied in America.

It is, therefore, incontestable that neither even Spain or Portugal could to-day appeal to the Treaty of 1777, because the principles of International Law would be opposed to any such pretension.

The government of His Majesty the Emperor of Brazil, recognizing the absence of any written definition of its borders with the neighboring States, has adopted and proposed as the only reasonable and equitable basis that can be appealed to: the *uti possidetis*, where this exists, and the stipulations of the Treaty of 1777, where they are in conformity with, or do not oppose, the actual possessions of either of the contracting parties.

These principles are supported by reason and justice and are sanctioned by Universal Public Law. If they be rejected, the only regulating principle would be the convenience and strength of each nation.

To settle its differences with the adjacent States by other means than those of amity and persuasion, has always been and always will be repugnant to the Empire. It has no need to extend its frontiers beyond their actual limits as defined by possession and jurisdiction tacitly or expressly recognized. Its only desire is to determine upon this basis, and by the most friendly accord with the States bordering upon it, the boundaries of their respective territories.

The necessity felt in this respect by the Empire must be equally felt by its neighbors, because the absence of the

survey and demarcation of frontiers gives rise to controversies and conflicts, is an obstacle to proper security and administration, and is a constant danger to the preservation of that mutual good-will and friendship which it is the interest of all to maintain and cultivate.

Happily, the line which divides the Brazilian territory from the Argentine, between the rivers Paraná and Uruguay, cannot give rise to the least contention. Both the principle of *uti possidetis* and the Treaty of 1777 define it in the same manner. Moreover, it is so circumscribed, and of so little importance are the adjacent lands, that they could never present a field for plans of ambition or convenience, even if it were possible to suppose that either of the two Governments would sacrifice to such selfish sentiments what they owe to one another and to their international relations.

The above-named boundary line is described as follows in Article the 8th of the Treaty of 1777 :

“ The dominions of both Crowns being already defined as far as the entrance of the river Pequirí or Pepirí-Guaçú, into the river Uruguay, the two High Contracting Parties have agreed that the divisional line shall follow up the course of the said Pepirí-Guaçú as far as its principal source ; and thence, along the highest ground under the rules given in Art. 6, it shall continue until it meets the waters of the river Santo Antonio, which empties itself into the Grande de Curituba, otherwise named Iguaçú, following the latter down-stream until it enters the Paraná by its Eastern bank, and continuing thence up the same Paraná to the point where the Igurey joins it on its Western bank.”

This stipulation is the same as that of Article 5 of the Treaty of 1750, with the only notable difference that the names of the Pepirí-Guaçú and Santo Antonio are applied to the first two rivers along which the boundary line runs starting from the Uruguay. Those denominations were given by the Commissioners who made the demarcation according to the previous Treaty.

The boundary along the rivers Pepirí-Guaçú and S. Antonio.

According to the Treaty of 1777.

It is important for the sake of clearness and further information to transcribe here the said corresponding article of the Treaty of 1750:

**According to the Treaty of 1750.** "It shall rise from the mouth of the Ibicuí along the bed of the Uruguay until it meets that of the Pepirí, or Pequirí, which flows into the Western bank of the Uruguay; and it shall continue up the bed of the Pepirí to its principal source, from which it shall follow along the highest ground to the principal head of the nearest river that may flow into the Rio Grande de Curituba, otherwise named Iguaçu.<sup>1</sup> Along the bed of the said river nearest the source of the Pepirí, and afterwards along that of the Iguaçu, or Rio Grande de Curituba, the Boundary shall continue to the point where the same Iguaçu empties itself at the Eastern bank of the Paraná, and from that mouth it shall go up the bed of the Paraná to the point where the Igurey joins it on the Western bank."

The rules laid down in Article 6 of the Treaty of 1777, referred to in the above transcribed Article 8, can be summarized as follows: to mark out a zone of neutral ground in this as in the other sections of the common boundary (an idea much approved of at the time by the two Courts); to seek out lakes and rivers which could serve as permanent and unalterable limits, and, failing them, the summits of the most notable mountains; these and their feet forming a neutral divisional border upon which neither of the nations should enter, build, settle, or erect any fortification.

Neither of the two Treaties mentioned was ever fully carried out; but both the surveys were commenced, and some lines were surveyed and demarcated, both by the former and by the second Commissioners.

The line from the Pepirí to the Iguaçu was one of those surveyed and demarcated, an operation which happened

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<sup>1</sup> It is to be noted that the Treaty of 1777 (subsequent to this, of 1750) no longer directs the principal headwaters of the river nearest to the main source of the Pepirí to be sought, but those of the river *Santo Antonio*, that is to say, the very river that was discovered, named, and demarcated in 1759 and 1760.



between January, 1759, and January, 1760, by virtue of the first Treaty, in conformity with the Instructions given by the two Courts and with <sup>1st Demar-</sup> perfect agreement between the respective Com- <sup>cation,</sup> missioners. <sup>1759-60.</sup>

This is the Act of the recognition of the river Pepirí, one of the principal sections of the boundary line which was to run from the Uruguay to the Paraná :

“ All being certain that the river at the mouth of which we were was the Pepirí, the following Act of identification was made and signed :

“ The Commissioners of the Second Party of Demarcation, Joseph Fernandes Pinto Alpoym, for his Most Faithful Majesty, and D. Francisco Arguedas, for his Catholic Majesty, having heard the unanimous opinion of the astronomers, geographers, and officers of the two nations who, in view of the reasons stated at their previous meeting, and of the affirmation of the Indian guide, Francisco Xavier Arirapi, sergeant in his village of St. Xavier, whose acquaintance with and information as to these rivers were confirmed by the agreement which is found between the information he gave concerning them and their true situation, have declared that not the least doubt remains in their minds that the river which the said guide pointed out and at whose mouth the two Parties were encamped, was the Pepirí ; we accordingly declare that we recognize this as the river Pepirí referred to in Article 5 of the Treaty of Limits as the boundary between the dominions of their Most Faithful and Catholic Majesties, and, consequently, that the Demarcation begun at the village of St. Xavier, and continued up the course of the Uruguay to the mouth of this river, must follow along its course up to its headwaters, although it was found that its real situation does not agree with that which the Map for the Demarcation issued by the two Courts attributes to it, as, according to the declaration on the back thereof signed by Their Excellencies, the Plenipotentiaries D. José de Carvajal e Lencastre, and Viscount Thomaz da Silva Telles, no attention must be paid to the

said Map, except so far as it may be in conformity with the Treaty ; and in order that through all time this Act of recognition and Instrument of Division of Limits may bear witness thereto, we have made the present declaration, signed by all the persons above referred to. Mouth of the river Pepirí, 8th of March, 1759."<sup>1</sup>

In the Diary which the two Commissioners wrote jointly and from which the above document was quoted the following conclusion may be read :

"In the manner stated, it was possible to accomplish this part of the demarcation with such effort and labor as may be supposed, etc. Notwithstanding all these obstacles, means were found, after the principal source of the Pepirí had been discovered, of surveying also the principal head and following all the course of the nearest river flowing to the Iguaçu ; to which, as has been stated, the name of Rio de Santo Antonio was given (and it might with propriety have been named the 'desired river'), and the demarcation having been made along it, the Divisional Line was connected, and, by virtue of Article 5 of the Treaty, all the territory extending to the East and North of the said rivers was recognized as belonging to the dominions of his Most Faithful Majesty ; and, as appertaining to His Catholic Majesty, that which lies to the West and South of the rivers Pepirí, Santo Antonio, and Iguaçu, and in witness to all time of its firmness, the present was signed by all, at this Encampment of the river Santo Antonio, on the 3d of January, 1760."<sup>2</sup>

<sup>1</sup> This Act was transcribed from Vol. VII. of the *Collecção de Noticias para a Historia e Geographia das Nações Ultramarinas* (Lisbon, 1841), in which is to be found the only edition published to this day of the *Diary of the 2d Demarcating Party* (1759-60), according to the translation of the Spanish text, and not according to the Portuguese Diary. This will account for a few differences of form. The translator, observing the diplomatic rule of the *alternat*, has, in general, modified the order of the names of the two Sovereigns, as well as those of the two countries and of the Plenipotentiaries ; but in this passage, he wrote the name of the Spanish Plenipotentiary first, as in the original which he was translating. In substance this Act is the same as the Portuguese original, although in form it is quite different.

<sup>2</sup> The above passage was transcribed from the translation mentioned in the preceding note, and the last part does not agree with the original trans-

In view of official and extra-official traditions, it is impossible not to acknowledge that this difficult demarcation was carried out with the most praiseworthy scrupulousness, and with skill and good faith by the Commissioners of both Nations.

The other Commissioners were not so fortunate, not so much through the difficulties of the undertaking, which in the former also were considerable, but through the obstructive spirit with which some of the Surveyors were filled.

The Pepirí-Guaçû (as it was then called) flows into the Uruguay by the right or Northern bank, little more than a league above the Salto Grande (Great Falls) of this river in latitude  $27^{\circ} 9'$ . More to the West and two thirds of a league away, the rivulet Itajoá empties itself by the same bank.

In front of the Pepirí-Guaçû and near its mouth, there was a small rocky island which ought to be covered by the floods of the same river and of the Uruguay leaving uncovered at most the branches of the shrubs which cover it. This island seems to be the extremity of a reef which obstructs that part of the bed of the Uruguay. It

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lated. The translation of the passage in the Spanish Diary reads as follows :—  
 “ . . . the divisional line was connected, and, by virtue of Article 5 of the Treaty, all the territory extending to the West and South of the rivers Pepirí, San Antonio, and Iguazú was recognized as belonging to the dominions of His Catholic Majesty ; and, as appertaining to those of His Most Faithful Majesty, that which lies to the East and North of the said rivers, and in witness to all time of its firmness, the present was signed by all, at this Encampment of the river Santo Antonio, on the 3d of January, 1760.”

The translator, in order to give the first place to the King of Portugal, inverted the order in which, in the Spanish Diary, the dominions of the two Sovereigns are given, but he overlooked the fact that in doing so he made the document first refer to —*the said rivers*,—only presenting afterwards the names of those rivers not yet *said*. This irregularity does not occur in the original Portuguese Diary, for the translation of the passage is as follows :—“ . . . the divisional line was connected, and, by virtue of Article 5 of the Treaty, all territory which lies to the East and North of the rivers Pepirí, Santo Antonio, and Iguacú was recognized as belonging to the dominions of His Most Faithful Majesty ; and, as appertaining to those of His Catholic Majesty, the territory extending to the West and South of the said rivers ; and in witness to all time of its firmness and validity, the present was signed by all, at this Encampment of the river San Antonio, on the 3d of January, 1760 ”

measured from East to West nine toises and three feet and from North to South seven toises and four feet.

The width of the Pepirí-Guaçú, between the two points which it forms with the Uruguay, was fifty-two toises and five feet, and little more than thirty-nine toises within the mouth. In front, the width of the Uruguay was found to be two hundred and forty-three toises and five feet.

On the Eastern point the trees were all cut down, except one which was thirteen feet high, upon which a cross was erected and upon the arms of this were carved the letters *R. F., Anno 1759* (Most Faithful King, Year 1759).

The Pepirí-Guaçú rises in  $26^{\circ} 10'$  of latitude, from a little spring which issues from among some small stones situated on the crest of the ridge which trends between the Uruguay and the Iguaçú, and is the water-shed separating the basins of these two rivers.

The straight line from its source to its mouth was found to be  $15^{\circ}$  S.W. The length of its winding course was computed at thirty-six to thirty-eight leagues.

To the largest of its confluent, which empties itself on the Eastern bank, in latitude  $26^{\circ} 41'$ , the name of Pepirí-Mirim was given.

At the source, a part of a wood was cut down to the extent of fifty toises and on a tall and stout pine tree, which was alone allowed to stand on the Western bank, a cross was carved, whence, opening a wide path towards the North over the intervening ground, which was level, the journey was continued in a straight line to another source surveyed, where, a similar clearing having been made, another cross was carved on a timbo-tree, which was left standing alone on the Eastern side.

On the same level from which springs the source of the Pepirí-Guaçú, there flows northwards at five hundred paces<sup>1</sup>

<sup>1</sup> The distance between the principal source of the Pepirí-Guaçú and that of the S. Antonio is much greater, as was ascertained in the second surveys made last century and also in that recently made by the Brazilian Argentine Joint Commission. But the difference is of no importance:—1st, because the Commissioners of 1759, according to the Instructions of 27th July, 1758, were not

another copious spring which rises from among large stones and from which rises the river named the Santo Antonio.

The general course of the Santo Antonio, from its source to its mouth, is towards  $26^{\circ}$  N.W. Its natural course is from twenty-seven to thirty leagues, turning and winding between low hills. It has a multitude of reefs, and also a fall seven leagues above its mouth, in latitude  $25^{\circ} 41' 11''$ .

It empties itself into the river Iguaçu on its Southern or left bank in latitude  $25^{\circ} 35'$ . Its mouth was thirty-five toises wide.

Before reaching the Santo Antonio, on the Southern bank of the Iguaçu, starting from the confluence of the latter with the Paraná, none but small streams are met with, of which the largest, and only notable one, was named S. Francisco. This is at one league and three quarters from the Santo Antonio.

On two trees, one on the Western, the other on the Eastern bank of the Santo Antonio, after making suitable clearings, two crosses were carved; the first with the inscription *R. C., Anno de 1760*, and the second with the corresponding *R. F., Anno de 1760*.

The Iguaçu, the Rio Grande de Curitiba, sufficiently known even at the time of the Portuguese-Spanish surveys, rises in latitude  $26^{\circ}$ , more or less, from the same high range which, running to the sea-coast, gives rise to the Uruguay.

It flows into the Paraná by latitude  $25^{\circ} 35'$ . Its width at the mouth was 120 toises. At the Southern point which it makes with the Paraná, the width of the latter was found to be 194 fathoms.

At both the angles of its bar, landmarks were placed similar to those of the Pepiri-Guaçu, and the Santo Antonio. The one on the North received the inscription *R. F.*, the one on the South that of *R. C.*

In 1761, by consent of both Courts, the Treaty of 1750

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obliged to survey the whole course of the two rivers, nor to discover their sources :—2d, because the Treaty of 1777 adopted those two rivers as a boundary, without any condition whatever regarding the greater or less proximity of their headwaters.

having been declared void, in consequence of doubts and difficulties which had arisen regarding its execution, the war of 1762 came to complicate and confuse further the possessions of the two Powers.

Finally, that boundary Treaty was succeeded by the Preliminary Treaty of 1777, the survey for which, on the line to which this Memorandum is restricted, was begun

The Treaty in 1788.

of 1777 and  
the 2d Demarcation.

As has already been observed, this second Treaty, made with the knowledge acquired by previous surveys, and after consideration of the doubts which then arose, copied almost word for word Article 5 of the Treaty of 1750, adopting the new denominations given by the surveyors of 1759 to the Pepirí and to the river flowing down the opposite slope of the watershed.

From this it is evident that the two Courts intended to adopt in that region the same division that had been agreed upon in the unsuccessful Treaty of 1750, and which their Commissioners, by common accord, had surveyed and demarcated.

Consequently, the Commissioners under Article 8 of the new Treaty were not directed to seek a region that was entirely unknown, and it was only their duty to repeat the survey of the rivers Pepirí-Guaçú, and Santo Antonio which had already been explored, to rectify observations and descriptions, to restore the marks of the former demarcation.

Even though some other river than that which had been surveyed in 1759 had been the Pepirí, which was believed to exist when the agreement of 1750 was made, the two Contracting Parties were unwilling in 1777 to revive such a question, certainly a very insignificant one considering the great ends at which they aimed.

Whether the line of the Pepirí and Iguaçú, was or was not correctly demarcated in 1759, the Contracting Parties accepted it as it had been demarcated. It is evident, however, that the first demarcation had not left the least doubt as to its rigorous correctness.

Notwithstanding these obvious considerations, the Spanish Commissioners did not hesitate to raise a question which had already been decided as to the real *Pepirí* of the Treaty of 1750, pretending that this river was another higher up.

Their pretension could not have been more unfounded. The relative position which was assigned to the two rivers in the Map given by the two Courts was not the only and essential condition for the recognition of one of the branches of the boundary line.

The *Pepirí*, surveyed in 1759, is the first notable river, or that can be called a full-flowing river, that enters the Uruguay by its Northern bank above the *Salto Grande* (Great Falls).

An examination of the two Treaties shows that it was clearly intended to bring the boundary line as near as possible to the great falls of the Uruguay and the *Iguaçu*, in order that these might afford natural and indestructible landmarks of the demarcation and separation of the two borders.

The line of the *Pepirí* and *Santo Antonio*, agreed upon by the surveyors under the Treaty of 1750, is in conformity with that intention.

In these rivers, besides the condition stated, were found the requisites expressed in the Instructions, and all that was known regarding them by tradition, not only of the Indians of the Uruguayan Missions, but of other trustworthy persons.

Although the Map of the Courts placed the *Pepirí* up the Uruguay-Puitá, other printed Maps and some manuscript Maps drawn by the Indians, at a time when they used to navigate in these regions, assigned a different position to the same river.

The manuscript Map which served as a basis for the Instructions was not very reliable. The Plenipotentiaries or the two Courts so declared it by a Convention which they signed on the 17th January, 1751, by which they authorized the Commissioners to carry out the demarcation in accordance with the data they might acquire on the spot.

In any case, as was said already, the question was decided by the Treaty, and the new Instructions had corrected the errors of the Map which served as a basis for the former. In the new Instructions the Pepirí-Guaçú was described as existing lower down-stream than the Uruguay-Puitá.

In spite of their unjust intention, the Spanish Commissioners were unable to refuse the survey of the line whose accuracy they contested ; and, in point of fact, they explored it, and bore witness to the painstaking and well executed work of the surveyors of 1759.

Summing up all that has been stated, we can  
**Conclusions.** affirm :

1st. That the Commissioners under the Treaty of 1750 proceeded faithfully and skilfully in the demarcation which by common accord they succeeded in carrying out.

2d. That the line demarcated in 1759 was that which was agreed upon and described in Article 8 of the Treaty of 1777.

The government of His Majesty the Emperor of Brazil does not hesitate to admit the line of the Pepirí-Guaçú and Santo Antonio demarcated in 1759, not because that line is, as is evident, that which was agreed upon in 1777 between Spain and Portugal, but because it is a satisfactory boundary, and is in conformity with the basis of the *uti possidetis*.

The boundary referred to is the same as may be seen laid down in the Map of the Confederation drawn in 1855 by the engineers Allan and Alexander Campbell, and printed by order of the same Argentine Government.

Paraná,<sup>1</sup> 26th November, 1857.

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<sup>1</sup> The city of Paraná (Entre Ríos), then the provisional capital of the Argentine Confederation, later named Argentine Republic. The province of Buenos-Aires was then separate from the Union.



TREATY OF PARANA,  
14TH OF DECEMBER, 1857  
BETWEEN BRAZIL AND THE ARGENTINE  
CONFEDERATION.

*(Not in force through the ratifications not having been exchanged.)*

*(Translated from the Portuguese.)*

TREATY OF LIMITS BETWEEN D. PEDRO II, EMPEROR OF  
BRAZIL, AND THE ARGENTINE CONFEDERATION, SIGNED  
ON THE 14TH OF DECEMBER, 1857, IN THE CITY OF  
PARANÁ, AND RATIFIED BY BRAZIL THE 30TH JANUARY,  
1858.

*In the Name of the Most Holy and Indivisible Trinity.*

HIS MAJESTY THE EMPEROR OF BRAZIL, and THE  
VICE-PRESIDENT OF THE ARGENTINE CONFEDER-  
ATION, in the exercise of the Executive Power, desiring  
the harmony which happily reigns between the  
two nations to be firmly established by removing, Preamble.  
as far as possible, all motives of future disagreement, and  
wishing at the same time to favor the development of fron-  
tier intercourse and trade, have agreed to define by a Treaty  
the boundaries of their territories between the rivers Uru-  
guay and Paraná, and, for this purpose, have appointed their  
Plenipotentiaries, that is to say :

HIS MAJESTY THE EMPEROR OF BRAZIL, His Excellency  
Councillor JOSÉ MARIA DA SILVA PARANHOS,<sup>1</sup> his Envoy

<sup>1</sup> Afterwards VISCOUNT DE RIO-BRANCO.

Extraordinary and Minister Plenipotentiary on a Special Mission to the Argentine Confederation, Knight Commander of the Imperial Order of the Rose, Knight Grand-Cross of that of St. Anne of Russia, of the 1st Class, a Deputy to the General Legislative Assembly of the Empire, etc., etc.,

And THE VICE-PRESIDENT OF THE ARGENTINE CONFEDERATION, Their Excellencies DRS. DON SANTIAGO DERQUI, and DON BERNABÉ LOPEZ, Ministers and Secretaries of State in the Home and Foreign Departments.

Who, after having communicated to each other their Full Powers, which were found to be in good and due form, have agreed upon the following articles :

ART. I.

The two High Contracting Parties, having agreed in defining their respective limits, concur in declaring and recognizing as the frontier of Brazil and the Argentine Confederation between the rivers Uruguay and Paraná, that which is specified below :

The territory of the Empire of Brazil is separated from that of the Argentine Confederation by the river Uruguay, the whole of the right or Western bank belonging to the Confederation, and the left or Eastern bank to Brazil, from the mouth of the affluent Quarahim to that of the Pepiry-Guaçû, where the Brazilian possessions occupy both banks of the river Uruguay.

The boundary line follows along the waters of the Pepirí-Guaçû up to its principal source ; from this it continues along the highest ground, to the principal head-waters of the Santo Antonio, and, by this river, as far as its entry into the Iguaçû, or Rio Grande de Curitiba, and by this as far as its confluence with the Paraná.

The land which the rivers Pepirí-Guaçû, Santo Antonio, and Iguaçû separate belongs to Brazil on the Eastern side, and, on the Western side, to the Argentine Confederation, the waters of the two first mentioned rivers being the common property of the two

nations, throughout their course, and those of the Iguaçu only from the confluence of the Santo Antonio to the Paraná.

## ART. 2.

The two High Contracting Parties declare, in order to avoid any doubt, although the designations of Article 1 are now well known, that the rivers Pepirí-Guaçu and Santo Antonio mentioned in the said Article are the same which were surveyed in 1759 by the Delimitation Commissioners under the Treaty of the 13th of January, 1750, concluded between Portugal and Spain.

The very  
rivers sur-  
veyed in  
1759.

## ART. 3.

After the ratification of the present Treaty, the two High Contracting Parties shall each appoint a Commissioner, both of whom shall proceed jointly, and as speedily as possible, to the demarcation of the line at such points as, in conformity with the provision of Article 1, it may be necessary to do so.

Commis-  
sioners.

## ART. 4.

The Commissioners referred to in the preceding Article shall, as soon as they have concluded the demarcation of the land frontier, proceed jointly to draw up a plan of the islands of the river Uruguay, comprised within the limits of the two countries, and shall collect all the necessary data within their reach, so that, after considering their reports and elucidations, the two Governments may be able to agree in discriminating their respective domain over the said islands according to the principles of International Law.

Islands on  
the Uru-  
guay.

## ART. 5.

The exchange of the ratifications of the present Treaty shall be effected in the city of Paraná, within eight months of its date, or earlier if possible.

Term for  
exchange  
of ratifica-  
tions.

In witness whereof we, the undersigned, Plenipotentiaries of HIS MAJESTY THE EMPEROR OF BRAZIL, and of THE VICE-PRESIDENT OF THE ARGENTINE CONFEDERATION, in virtue of our Full Powers, have signed the present Treaty and have affixed thereto our seals.

Done at the City of Paraná, on the fourteenth day of the month of December in the year of the birth of our LORD JESUS CHRIST one thousand eight hundred and fifty-seven.

[L. S.] JOSÉ MARIA DA SILVA PARANHOS.

[L. S.] SANTIAGO DERQUI.

[L. S.] BERNABÉ LOPEZ.

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PROTOCOL OF THE MEETING OF 14TH DECEMBER, 1857,  
CONCERNING THE TREATY OF LIMITS CONCLUDED THE  
SAME DAY BETWEEN BRAZIL AND THE ARGENTINE  
CONFEDERATION.

ON the 14th day of the month of December, 1857, in this city of Paraná, present His Excellency Councillor JOSÉ MARIA DA SILVA PARANHOS, Plenipotentiary of H. M. THE EMPEROR OF BRAZIL, and Their Excellencies D. BERNABÉ LOPEZ and D. SANTIAGO DERQUI, Plenipotentiaries of the ARGENTINE CONFEDERATION, it was agreed to record in the present Protocol the following declarations, for the information of both Governments as to the Treaty of Limits signed on this same date.

Both Governments being agreed as to the definition of the boundary line along the rivers Pepirí-Guaçu and Santo Antonio, the Plenipotentiaries have waived, as unnecessary in the negotiation thereof, the question raised in the Memorandum presented by the Brazilian Plenipotentiary as to whether the stipulations of limits formerly concluded between Portugal and Spain, concerning their dominions in South America, are or are not valid.

It is therefore to be understood that the reference made to the demarcation under the Treaty of the 13th January, 1750, in Article 2 of that which has just been signed between Brazil and the Confederation, does not imply the validity or

invalidity of the old Treaties. The only object of that reference is to define clearly the boundary line of the territory included between the rivers Uruguay and Paraná.

The Brazilian Plenipotentiary declared that he acceded to the desire expressed by his colleagues, that at the end of Article 4 the words—"according to the principles of International Law"—should be added, on the understanding that by this clause it was not intended to prejudice the facts of possession, on the part of either Nation, of the islands on the river Uruguay opposite their respective territories, which, however, he considers to be well understood, inasmuch as International Law recognizes also the principle of *uti possidetis* as a legitimate title to territorial property.

The Argentine Plenipotentiaries replied that the concluding part of Article 4 indicates that, in settling the question of dominion over the islands, the two Governments must, as a matter of course, be guided by the principles universally accepted, and clear up any doubts that may arise regarding this in the said agreement; that they had no intention of prejudging the facts of possession alluded to by the Brazilian Plenipotentiary, but that they also owed it to their duty and loyalty to declare at once that their government neither intends to found its right to the islands on such precedents, nor to recognize claims which are not based on the sovereignty of the Empire over one of the banks and the half of the river.

The present Protocol having been read and found correct, the three Plenipotentiaries signed it in duplicate and affixed thereto their respective seals.

[L. S.] JOSÉ MARIA DA SILVA PARANHOS.

[L. S.] BERNABÉ LOPEZ.

[L. S.] SANTIAGO DERQUI.

## CORRESPONDENCE

RELATING TO THE EXCHANGE OF RATIFICATIONS OF THE  
TREATY OF 1857, AND DISCUSSION OF THE TREATY  
IN THE ARGENTINE CONGRESS, 1858.

### Nº 1.) NOTE OF THE ARGENTINE GOVERN- MENT TO THE BRAZILIAN LEGATION.

(Translated from the Spanish.)

DEPARTMENT OF FOREIGN AFFAIRS.—PARANÁ, 10TH SEP-  
TEMBER, 1858.

**T**HE term of eight months assigned for the exchange  
of the ratifications of the Treaties of Limits and  
Extradition concluded on the 14th December,  
1857, between the Plenipotentiaries of the Con-  
federation and the Empire having expired, the  
Honorable Legislative Chambers have suspended their ex-  
amination, although the Treaty of Limits has already passed  
from the Senate to the Chamber of Representa-  
tives.

His Excellency the PRESIDENT OF THE CON-  
FEDERATION<sup>1</sup> deeply regrets the expiration of  
this term, and he is unwilling to admit that from  
this circumstance, to which, in his judgment, too  
great an importance should not be given, those stipulations  
should not be considered by the Congress, and much less,  
if they are worthy of its approbation, that they should

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<sup>1</sup> General URQUIZA.

be of no effect, merely on account of the expiration of the term granted for the exchange of ratifications. For this reason he has instructed me to propose to Your Excellency, as I do, that a six months' extension of time shall be at once agreed upon for the exchange of the ratifications, if Your Excellency is authorized to do so, or otherwise, to beg that Your Excellency will be pleased to ask the necessary authority of the Imperial Government to do so if it think convenient.

**Proposal  
for a six  
months'  
extension.**

In the meantime, my Government will ask the Chambers not only to proceed with the examination of the Treaties, but also to give the necessary authority to adjust the extension, if, as I hope, such Treaties should be worthy of its approbation.

I have pleasure in taking advantage of this opportunity to renew to Your Excellency the assurances of my high consideration.

BERNABÉ LOPEZ.

To His Excellency Councillor Dr. José Maria do Amaral, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil.

**Nº 2.) NOTE FROM THE BRAZILIAN LEGATION  
TO THE ARGENTINE GOVERNMENT.**

(Translated from the Portuguese.)

BRAZILIAN IMPERIAL LEGATION.—PARANÁ 14TH SEPTEMBER, 1858.

**B**Y a Note of the 10th of this month Your Excellency proposes to me, by order of His Excellency the PRESIDENT OF THE CONFEDERATION, an extension of the term appointed for the exchange of the ratifications of the Treaties of Limits and Extradition concluded on the 14th December, 1857, between the Plenipotentiaries of the Empire of Brazil and those of the Argentine Confederation.

Pursuant to the interviews I have had with Your Excellency upon this subject, I have asked and I shortly expect, the orders of the Imperial Government regarding this matter. As soon as I receive them I shall have the honor of informing Your Excellency of the fact.

I take advantage of this opportunity to renew to Your Excellency the assurances of my highest consideration and respect.

JOSÉ MARIA DO AMARAL.

To His Excellency Dr. Bernabé Lopez, Minister and Secretary of State for the Department of Foreign Affairs of the Argentine Confederation, etc., etc.



**Nº 3.) APPROVAL OF THE TREATY OF LIMITS  
OF 1857 BY THE ARGENTINE CONGRESS.<sup>1</sup>**

(Translated from the Spanish.)

NATIONAL CONGRESS. CHAMBER OF DEPUTIES.—*61st Ordinary Sitting, 24th September, 1858.*—*SR. LUQUE in the Presidential Chair.*

THE FOLLOWING REPORT was read and considered:  
"HONORABLE SIR:

"YOUR COMMITTEE ON PETITIONS AND FOREIGN AFFAIRS has minutely examined the resolution of the Honorable Senate approving the provisions contained in the five Articles of the Treaty of Limits concluded between the NATIONAL EXECUTIVE POWER and HIS MAJESTY THE EMPEROR OF BRAZIL and for the reasons <sup>Report</sup> proposing which the Committee reporter, DR. GUTIERREZ, <sup>rejection</sup> will submit to Your Honor, advises its rejection. of Treaty.

"Committee Room, Paraná, 22d September, 1858.

"MACEDONIO GRAZ—LUCAS GONZALEZ—JUAN M. GUTIERREZ—EMILIO DE ALVEAR."

This Report having been submitted to discussion:

Señor GUTIERREZ supported it at length limiting himself principally to showing that the Argentine Government was not in a position to conclude Treaties of this nature as it was without knowledge of precedents <sup>Against</sup> and lacked official documents relating to this <sub>the Treaty.</sub> question, which had been discussed for more than 18

<sup>1</sup> This brief account of the discussion and approval of the Treaty of 1857 by the Argentine Chamber of Deputies is transcribed from the number of the 22d January 1859 of the *Nacional Argentino*, a newspaper of the city of Paraná (Entre Rios).

years between the Crowns of Spain and Portugal, the final result of which was the Treaty concluded between these two Powers in 1857,<sup>1</sup> that, according to the limits determined in Article 3 of that Treaty, the Confederation now ceded in favor of the Empire an extent of at least 2000 square leagues of territory,<sup>2</sup> judging from the demarcation made of the rivers designated as the divisional line by the only geographical map which the Argentine Plenipotentiaries were to consult when determining the limits, because the maps presented by the Brazilian Plenipotentiary solved the question in his favor, and, for this reason, the Commission had advised the rejection of the Treaty, because in its opinion the Government of the Confederation was not in a position to enter into negotiations of this nature while it was not in possession of all the precedents necessary in order to decide; and the Honorable Deputy concluded adducing many other observations tending to explain and demonstrate the truth of the principles he had laid down.

Señor FERREIRA moved that the Ministers should be called who had been commissioned by the National Executive to conclude this Treaty in order that they might give information thereon to the Honorable Chamber.

THE HONORABLE CHAMBER having agreed to this motion, a fourth suspension of the sitting took place.

The MINISTER FOR FOREIGN AFFAIRS limited himself to giving the explanations that were asked to the effect that the Executive, after having brought to its knowledge the Treaties concluded between the Crowns of Spain and Portugal in 1755 and 1757,<sup>3</sup> and after numerous conferences with the Plenipotentiary of Brazil, had convinced itself that the question of limits which

<sup>1</sup> This summary is very incorrect. Deputy GUTIERREZ could not have said that the Treaty of 1857 was concluded between Spain and Portugal.

<sup>2</sup> The Argentine Confederation did not cede anything, seeing that it never possessed an inch of ground to the East of the rivers Uruguay, Pepiry-Guaçu, and S. Antonio. Before the independence of Argentina (1810) these rivers already formed the boundary between Brazil and the Spanish possessions.

<sup>3</sup> Minister BEDOYA doubtless said—1750 and 1777.

had resulted in those Treaties could not be maintained in the position in which it was at the time.

That in consequence of this, that question had been waived, and the natural limits recognized in the present Treaty had been determined, keeping in view the fact that Brazil could not cease to uphold that which it had upheld and possessed since 1801.

After this a discussion followed between Señor GUTIERREZ and the MINISTER, who limited themselves to explaining the arguments they had previously adduced.

THE POINT BEING CONSIDERED SUFFICIENTLY DISCUSSED, a division was taken on the Report of the Committee, with the result of ten ayes and nine noes. The Ministers then withdrew from the Sitting.

Señor DIAZ RODRIGUEZ explained that he had voted in error against the Report of the Committee.

The proposal sanctioned by the Honorable Senate was next discussed, its tenor being as follows:

THE SENATE AND THE CHAMBER OF DEPUTIES OF THE ARGENTINE CONFEDERATION, ASSEMBLED IN CONGRESS, grant their sanction and the force of Law to the following:

Article 1. The provisions contained in the five articles of the Treaty of Limits concluded between the NATIONAL EXECUTIVE POWER and HIS MAJESTY THE EMPEROR OF BRAZIL, through their respective Plenipotentiaries, in this Capital on the 14th of December of the year last passed, one thousand eight hundred and fifty-seven, are approved.

Article 2. It is understood that the rivers Pepirí-Guazú and San Antonio, which are determined as the limit in Article 1 of the Treaty, are those lying most to the East, bearing those names, as shown by the operation referred to in Article 2 of the same.<sup>1</sup>

<sup>1</sup> The operation to which Article 2 of the Treaty of 1857 refers is the demarcation of 1759, and the rivers Pepirí and S. Antonio then surveyed are the same forming the Western limit of the territory in the possession of Brazil and claimed by the Argentine Republic.

Article 3. This shall be communicated to the EXECUTIVE POWER.

Given at the Hall of Sessions of the Congress at Paraná, the Provisional Capital of the Argentine Confederation, this twenty-eighth day of the month of July of the year of OUR LORD one thousand eight hundred and fifty-eight.

(Signed) "PASCUAL DE ECHAGUE.—CARLOS MARIA SARAVIA, *Secretary*."

**Discussion.** THIS PROPOSAL, as a whole, having been placed under examination:

Señor GUTIERREZ said that he would oppose it, because, according to his opinion, the modification made in Article 2, in terms which expressed nothing, was meaningless. That consequently it would be better to accept the Treaty in the form in which it had been drawn up.

**The resolution of the Senate approved by the House.** THE PROPOSAL, as a whole, having been put, it was approved by a majority.

Articles 1 and 2, having been successively discussed and put, were also approved.

The 3d, relative only to a formality, was also approved.

Señores ZUVIRIA, WARCALDE, FEIJOO, and PARDO asked that their votes in opposition to the Treaties might be placed upon the minutes.

A fourth suspension then took place.

. . . . .

**Nº 4.) NOTE FROM THE ARGENTINE GOVERNMENT TO THE BRAZILIAN LEGATION.**

(Translated from the Spanish.)

FOREIGN AFFAIRS.—PARANÁ, 14TH JUNE, 1859.

**I** HAVE had the honor to receive the esteemed Note of Your Excellency of the 3d March, informing me that you were authorized by the Government of HIS IMPERIAL MAJESTY to agree to the extension of six months to which your Legation was invited by this Department by a Note of the 15th September last.<sup>1</sup> Adjournment sine die.

Having been informed of the contents of the said Note, His Excellency the VICE-PRESIDENT<sup>2</sup> has directed me to communicate to Your Excellency that, in order that the ratification of the pending Treaties on Extradition and Limits may have the favorable termination which the Government of the Confederation earnestly desires, he thinks it expedient to abstain from opening now a new negotiation for the indispensable extension of the time in which this act is to take place, delaying it until the settlement of the Buenos-Aires question.

Your Excellency, who are acquainted with the sincerity of my Government and with its sentiments of good-will towards that of HIS MAJESTY THE EMPEROR OF BRAZIL, and who know also the excitement which the approval of those Treaties produced throughout the country, will know how

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<sup>1</sup> Note of the 14th (not 15th) Sept., 1858.

<sup>2</sup> SALVADOR MARIA DEL CARRIL.

to do justice to it, recognizing the noble spirit implied by this resolution and the reasons of prudence which counsel it.

Your Excellency cannot fail to perceive that, changed as the membership of the Chambers now is, and excited as is public opinion by the Articles of the Press against those Treaties, their early ratification would be very inopportune.

This unfavorable result against which the Government desires to provide will present itself to Your Excellency with a greater degree of probability, if you remember the

serious opposition which the Government met with in the Chambers, notwithstanding the fact **Why the Treaty was not ratified.** that the discussion was carried on under the

impression that the sanction of those Treaties implied the condition that the Government of HIS IMPERIAL MAJESTY would accord to that of the Confederation its moral and material support, in order to bring about the re-incorporation of Buenos-Aires into the bosom of the Nation.

His Excellency the VICE-PRESIDENT hopes that Your Excellency, appreciating the value of these observations, will be convinced that the decision to defer the proposed negotiation embraces not only the interest of not exposing the moral credit of the Government of the Confederation, but also that of not placing the interests of the Empire on a difficult footing.

I have the honor to renew to Your Excellency the assurances of my most distinguished consideration and esteem.

ELIAS BEDOYA.

To His Excellency D<sup>re</sup> José Maria do Amaral, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil.

**Nº 5.) NOTE FROM THE BRAZILIAN LEGATION  
TO THE ARGENTINE GOVERNMENT.**

(Translated from the Portuguese.)

BRAZILIAN IMPERIAL LEGATION.—PARANÁ, 1ST AUGUST,  
1859.

**T**HE undersigned, Envoy Extraordinary and Minister Plenipotentiary of H. M. THE EMPEROR OF BRAZIL, has the honor to reply to the Note of the 14th of last month, by which H. Ex. Señor ELIAS BEDOYA, Minister for Foreign Affairs of the Argentine Confederation, has been pleased to convey to him the views of his Government regarding the exchange of ratifications of the Treaties of Limits and Extradition, signed in this city on the 14th of December, 1857.

The undersigned has fulfilled the duty of bringing to the knowledge of his Government the reply which H. Ex. the Minister for Foreign Affairs has given to the Note of this Legation under date of the 3d March last, and now, in obedience to the orders he has received, informs the Argentine Government that its decision to defer the exchange of the ratifications of the above-named Treaties has caused a very marked impression on His Majesty's Government.

The Treaties of Limits and Extradition were negotiated and accepted without other conditions or objects than those expressed therein.

The  
Boundaries  
Treaty of  
1857.

The Treaty of Limits recognizes the boundary designated both by the *uti possidetis* of the two countries and by the former stipulations between Portugal and Spain.

It is the same divisional line which is drawn on the chorographical map of the Confederation, lately published by order of the Argentine Government.

The careful examination to which those agreements were submitted during their negotiation, the eminence of the negotiators, the immediate and frank acceptance of those agreements by the Argentine Government, gave His Majesty's Government the most justifiable confidence that they would in a short time be perfect obligations on the two countries.

The Imperial Government, as well as the undersigned, deeply regret that agreements of such a nature, initiated so long since, and concluded when internal peace still subsisted in the Argentine Confederation, should seem to the Argentine Congress the preliminaries of stipulations which were entirely alien from the subject. This presumption, however, if perchance it may have influenced some persons, could not do so more than the justice of the very acts which it was sought to approve, the permanent interests they guaranteed, and the importance of good relations between Brazil and the Argentine Confederation.

His Majesty's Government would therefore gladly believe that the vote of Congress was dictated by an accurate appreciation of those agreements, and that, if any external Presidential influence has been brought to bear upon its mind, it was the opinion of the Supreme Government of the Confederation, so amicably expressed in the following words of the message of 1st May of last year :

"The Government of His Majesty the Emperor of Brazil has given us an unequivocal proof of their desire to draw closer the bonds which unite the Empire and the Argentine Confederation. Both Governments, sharing these enlightened and patriotic views, have agreed upon some conventions which frontier intercourse, reciprocal



trade, and fluvial navigation required in their mutual interest and in that of other nations.

"To this end a Special Mission was sent to this City and, owing to the good disposition of both Governments and to the merits of their worthy Plenipotentiaries, provision was made for the necessity both countries felt of Treaties finally determining their respective boundaries, assuring the extradition of criminals, and applying to the great affluents of the River Plate the principles by which fluvial navigation is regulated in Europe."

Approved as these conventions have been by the Government and Congress of the Confederation, what is **Exchange** wanting to give them full effect? Only the **of ratifications asked** exchange of ratifications by the contracting parties.

The time fixed for this formality has expired, and this is the obstacle the Argentine Government sees to the conclusion of so solemn and necessary agreements.

The undersigned begs, in the name of his Government, that that of the Confederation will be pleased to reconsider its decision.

The time for the exchange of the ratifications of a Treaty is a transitory and contingent provision. Its strict observance, as well as its modification, is an act of mere execution which, however, does not depend on the Legislative Power. Since the two contracting Governments are agreed in this respect, nothing more is necessary, and neither of them can with justice refuse to carry out what was agreed upon and is approved by the competent Powers, merely because the time determined for the exchange of the instruments of that approbation has elapsed.

As a rule, international acts do not begin to be effective before the exchange of ratifications, but the time determined for this formality is not a matter for legislation, it is an act which belongs by its nature and by universal custom to the Executive Power.

The Imperial Government, therefore, trusting in the wisdom and friendship of the Argentine Government, begs that

effect may not be given to the decision announced by the Note of the 14th June.

The scruples which this Note conveys should cease in view of the considerations which the undersigned has already had the honor to set forth and of the high interests connected with a perfect understanding and friendship between Brazil and the Argentine Confederation.

The undersigned hopes so, and in this expectation has the greatest satisfaction in renewing the assurances of the high esteem he entertains towards His Excellency the Minister for Foreign Affairs.

JOSÉ MARIA DO AMARAL.

To His Excellency, Señor Elias Bedoya, etc., etc.

**TREATY OF BUENOS-AIRES,**  
**28TH SEPTEMBER, 1885,**  
**BETWEEN**  
**BRAZIL AND THE ARGENTINE REPUBLIC,**  
**FOR THE SURVEY OF THE CONTESTED TERRITORY.**



TREATY OF BUENOS-AIRES  
OF THE 28TH SEPTEMBER, 1885  
BETWEEN BRAZIL AND THE ARGENTINE  
REPUBLIC

FOR THE SURVEY OF THE CONTESTED TERRITORY.

(Translated from the Portuguese.)

TREATY OF THE 28TH OF SEPTEMBER, 1885, SIGNED AT BUENOS-AIRES BETWEEN BRAZIL AND THE ARGENTINE REPUBLIC FOR THE SURVEY OF THE RIVERS PEPIRY-GUAÇÚ, SANTO ANTONIO, CHAPECÓ OR PEQUIRY-GUAZÚ, AND CHOPIM THEN SUPPOSED TO BE THE RIVER NAMED IN 1791 SAN ANTONIO GUAZÚ BY THE SPANIARDS.

*Decree No. 9563 of the 6th of March, 1886, promulgating the Treaty for the survey of the rivers Pepirí-Guaçu and Santo Antonio, Chapecó or Pequirí-Guaçu, and Chopim or Santo Antonio-Guaçu, and of the territory lying between them which is in litigation between Brazil and the Argentine Republic.*

A TREATY FOR THE SURVEY of the rivers Pepirí-Guaçu and Santo Antonio, Chapecó or Pequirí-Guaçu, and Chopim or Santo Antonio Guaçu, and of the territory lying between them which is in litigation between Brazil and the Argentine Republic, having been concluded and signed in the city of Buenos-Aires on the 28th of September of last year, and this Treaty having been mutually ratified, the ratifications thereof having been exchanged at this Court on the 4th of the current month of March, I hereby command that

Promulga-  
tion of the  
Treaty.

it shall be observed and fulfilled in all the integrity of its contents.

The BARON DE COTEGIPE, a Member of My Council, a Senator of the Empire, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs, will so understand it and cause it to be put into execution. Palace of Rio de Janeiro, on the 6th of March, 1886, the 65th year of the Independence and of the Empire.

*Under the sign manual of HIS MAJESTY THE EMPEROR.*  
(D. P. 2° I.) BARÃO DE COTEGIPE.

WE, DOM PEDRO THE SECOND, CONSTITUTIONAL EMPEROR AND PERPETUAL DEFENDER OF BRAZIL, ETC.,

Hereby make known to all whom these Letters  
**Preamble of** of Approbation, Confirmation, and Ratification  
**the Ratifi-**  
**cation.** may concern, that on the twenty-eighth day of

the month of September of the present year, a Treaty, with Instructions for its execution, was concluded and signed in the city of Buenos Aires, between Us and His Excellency the President of the Argentine Republic by the respective Plenipotentiaries who were provided with competent and Full Powers, and that the Treaty is in the following terms :

*Treaty for the survey of the rivers Pepiri-Guaçu, and Santo Antonio, Chapecó or Pequiri-Guaçu, and Chopim*  
**The Treaty** or Santo Antonio-Guaçu, and of the intermediate  
**of the 28th** territory which is in litigation between Brazil and  
**September,**  
**1885.** *the Argentine Republic.*

HIS MAJESTY THE EMPEROR OF BRAZIL and HIS EXCELLENCY THE PRESIDENT OF THE ARGENTINE REPUBLIC,

thinking it desirable that the rivers along which  
**Preamble of** each of their respective Governments is of opinion  
**the Treaty.** that the common boundary-line ought to pass from the Uruguay to the Iguaçu, or Grande de Curityba, as well as the territory comprised between those rivers, should be surveyed, have resolved, for this purpose, to make a Treaty, and have appointed their Plenipotentiaries in the following manner, that is to say :

HIS MAJESTY THE EMPEROR OF BRAZIL, His Excellency Councillor LEONEL M. DE ALENCAR, Knight of the Order of Christ and of the Rose, Knight Commander of the Order of Christ of Portugal and of the Royal <sup>Plenipoten-</sup> Order of Isabel the Catholic of Spain, His Envoy <sup>tiaries.</sup> Extraordinary and Minister Plenipotentiary in the Argentine Republic ;

HIS EXCELLENCY THE PRESIDENT OF THE ARGENTINE REPUBLIC, His Excellency DR. DON FRANCISCO J. ORTIZ, His Minister and Secretary of State in the Department for Foreign Affairs ;

Who, having exchanged their Full Powers which they found to be in good and due form, agreed as follows :

#### ARTICLE 1.

Each of the High Contracting Parties will appoint a Commission composed of a First, a Second, and a Third Commissioner and of three Assistants. In any case of impediment or death, should no other measure be <sup>Joint Com-</sup> taken, the Second Commissioner shall act as sub- <sup>mission.</sup> stitute for the First and the Third for the Second. Each of the Commissions may have, at the discretion of its government, its private staff of assistants to be employed in the sanitary or any other service ; and both shall be accompanied by a military detachment of an equal number of rank and file, commanded by officers of equal or corresponding rank.

#### ARTICLE 2.

It will be the duty of the Joint Commission, formed by the two Commissions aforesaid, to survey in accordance with the Instructions appended to this Treaty the rivers Pepirí-Guaçú, and Santo Antonio, and <sup>Duty of the</sup> the two situated to the East of these, known in <sup>Joint Com-</sup> Brazil by the names of Chapecó and Chopim <sup>mission.</sup> which the Argentines call Pequirí-Guaçú and Santo Antonio-Guaçú, as well as the territory lying between the four.

ARTICLE 3.

The two Commissions shall meet in Montevideo in order to come to an understanding as to the starting-point or points of their work, and regarding any other necessary matters.

ARTICLE 4.

They shall make the surveys jointly, drawing up, in duplicate, plans of the four rivers, of the territory lying between them, and of the corresponding part of the rivers which bounds this territory to the North and South; and, together with these, they shall present to their Governments identical reports which shall contain all that may concern the boundary question.

ARTICLE 5.

After due consideration of these reports and plans, the two High Contracting Parties will endeavor to resolve the question in a friendly spirit, making a definitive and perpetual Treaty which no event of peace or war shall be able to annul or suspend.

ARTICLE 6.

The present Treaty shall be ratified and put into execution six months after the respective ratifications shall have been exchanged; and these shall be exchanged in the city of Rio de Janeiro or in that of Buenos Aires within the shortest possible period.

In witness whereof we, the undersigned Plenipotentiaries of HIS MAJESTY THE EMPEROR OF BRAZIL and of HIS EXCELLENCY THE PRESIDENT OF THE ARGENTINE REPUBLIC, sign the present Treaty in duplicate and cause our seals to be affixed thereto, at the city of Buenos Aires, on the 28th day of the month of September, 1885.

[L. S.] LEONEL M. DE ALENCAR.

[L. S.] FRANCISCO J. ORTIZ.

*Instructions referred to in Article 2 of the Treaty concluded*



*between Brazil and the Argentine Republic on the 28th day of September, 1885, for the survey of the four rivers which bound the territory in litigation on the West and East, and for the survey of this territory itself.*

Instructions  
for  
the Joint  
Com-  
mission.

## I.

The two Commissions appointed by virtue of Article 1 of the Treaty referred to in the title of these Instructions to survey, in accordance with Article 2, the rivers Pepirí-Guaçú and Santo Antonio, and Chapecó and Chopim or Pequirí-Guaçú and Santo Antonio-Guaçú, as well as the territory lying between them, after meeting at Montevideo, as has been stipulated already, shall come to an agreement as to the starting-point or points of their work, and as to any other matter that may be necessary.

## II.

Their work may commence at the mouth of the Pepirí-Guaçú or that of the Santo Antonio, and even, if it seem preferable, at these two points at the same time, the Joint Commission being divided for this purpose into two parties or sections, in each of which the two Commissions composing it shall be equally represented.

## III.

In the first case, all or part of the Joint Commission, as the First Commissioners may determine, will enter by the mouth of the Pepirí-Guaçú, and, going up the river, will search for the principal source of the other, and will then descend this river as far as its mouth.

## IV.

The survey will commence by those two rivers because they are the first of the rivers forming the subject of controversy that are met with in going up the river Uruguay and the Iguaçú or Rio Grande de Curityba.

## V.

The Commission shall afterwards proceed in the same manner to the survey of the Chapecó and of the Chopim or Pequirí-Guaçú and the Santo-Antonio-Guaçú.

## VI.

The territory comprised between the four rivers may be surveyed after the Pepirí-Guaçú and the Santo Antonio, and before the other two rivers, or after the survey of these, on the return of the Commission, or in sections, as may be judged easiest and most expedient.

## VII.

The Portuguese and Spanish Delimitators (Demarcadores) of 1759 and 1789 set down the latitudes of the source and mouth of each of the first rivers—that is to say, of the Pepirí-Guaçú and Santo Antonio, as follows :

|                             |   |   |     |     |     |
|-----------------------------|---|---|-----|-----|-----|
| Source of the Pepirí-Guaçú  | . | 1759                                      | 26° | 10' |     |
|                             |   | 1789                                      | 26° | 10' |     |
| Mouth of the Pepirí-Guaçú   | . | 1759                                      | 27° | 9'  | 23" |
|                             |   | 1789                                      | 27° | 10' | 30" |
| Source of the Santo Antonio | . | 1759 at 500 paces from that of the Pepirí |     |     |     |
|                             |   | 1789                                      | 26° | 12' |     |
| Mouth of the Santo Antonio  | . | 1759                                      | 25° | 35' | 04" |
|                             |   | 1789                                      | 25° | 35' |     |

According to the observations made by the Spaniards in 1791, as given in OYÁRVIDE'S Account, the mouth of the Chapecó or Pequirí-Guaçú is situated in latitude 27° 06' 50" extreme South, and 5° 07' 43" longitude East of Buenos Aires; and its principal source at 26° 43' 50" South latitude, and 6° 26' 56" longitude East of Buenos Aires.

According to the same Account, the source of the Chopim or Santo Antonio-Guacú is at 725 toises from that of the Chapecó or Pequirí-Guaçú. Below this source, at a point which OYÁRVIDE states to be the best known on that river, the results of the observations were: latitude 26° 39' 50" south, and longitude 6° 27' 38".

By all these data and by various circumstances noted in the two former demarcations, the present Commission will be guided in its work.

## VIII.

The survey of each of the four rivers shall be carried out uninterruptedly, either ascending or descending the river; if this should not be practicable, in consequence of falls or other natural impediments, the Joint Commission, in any deviation they may be obliged to make, shall take the necessary precautions to preclude the least doubt as to their following the course of the same river, and these precautions shall be noted for the information and guidance of any other explorers.

## IX.

The same precautions shall be taken in the survey of the territory comprised between the sources of the Pepirí-Guaçú and Santo Antonio, and the Chapecó or Pequirí-Guaçú and Chopim or Santo Antonio-Guaçú. It is expedient that this territory, that is, on the boundary line connecting the two sources, should be defined by some enduring signs which, without being, properly speaking, landmarks, may serve as guides in future explorations.

## X.

As the Joint Commission has to explore the territory lying between the four rivers forming the subject of controversy, it will endeavor to find their respective sources by passing through it, so that in any future expedition they may be easily reached without the necessity of seeking them by ascending each of the respective rivers. This being done, notes with full details of every peculiarity that can be of use will be taken. If it should be necessary, the same measures will be taken as regards the territories to the West of the rivers marked out by Brazil, and to the East of those designated by the Argentine Republic.

## XI.

In exploring the territory lying between the four rivers, the Joint Commission will carefully note the direction of the principal watercourses and their sources, of the mountain chains and hills, and all other peculiarities with which it may be useful to be acquainted.

## XII.

On assembling at Montevideo, the Joint Commission will open a Diary in which all the work done day by day shall be entered, with all particulars considered useful or necessary, over the signatures of three Commissioners on each side.

Two copies of this Diary, one in Portuguese and the other in Spanish, shall be made simultaneously. Each particular Commission will forward its copy to its respective Government, with the Report and Plans mentioned in Article 4 of the Treaty. The two copies of this Report shall be of exactly the same tenor but each one shall be written in the language of the Government to which it is to be forwarded, and shall be signed by the three Commissioners of that Government only. In this Report, in which a general and concise idea of all work done will be given, a suitable place will be found for such observations as were not made in the diary or as did not occur while it was being drawn up.

## XIII.

It is no part of the duty of the Joint Commission to discuss questions of right or of preference; it has simply to survey the rivers and territory mentioned in Article 2 of the Treaty. There can, therefore, be no apprehension of any grave divergences. If, however, any such should arise, it shall be submitted to the decision of the contracting Governments without any interruption whatever of the work in hand.

## XIV.

The Report shall be registered in the Diary as its comple-

ment. This being done, the Diary shall be closed and the Joint Commission shall be dissolved.

Done at the city of Buenos Aires on the 28th day of the month of September, 1885.

LEONEL M. DE ALENCAR.

FRANCISCO J. ORTIZ.

AND THE SAME ABOVE-INSERTED TREATY with its respective Instructions being before Us, and We, having well seen, considered, and examined everything contained in those acts, Approve, Confirm, and Ratify them, both as a whole and in each of their Articles and stipulations; and We hereby Pronounce them as firm and valid to produce their due effects, Promising on Our Imperial Faith and Word, to fulfil them inviolably and Cause them to be fulfilled and observed in every possible way.

In witness and confirmation whereof We have commanded the present Letters to be issued, signed by Us, sealed with the Seal of the Arms of the Empire, and countersigned by the undersigned Minister and Secretary of State.

Given at the Palace of Rio de Janeiro on the nineteenth day of the month of November, in the year of OUR LORD JESUS CHRIST one thousand eight hundred and eighty-five.

[L. S.] PEDRO IMPERADOR.

BARÃO DE COTEGIPE.



**TREATY OF BUENOS-AIRES,**  
**7TH SEPTEMBER, 1889,**  
**BETWEEN**  
**BRAZIL AND THE ARGENTINE REPUBLIC,**  
**SUBMITTING THEIR BOUNDARY CONTROVERSY TO THE**  
**ARBITRATION OF THE PRESIDENT OF THE**  
**UNITED STATES OF AMERICA.**





TREATY OF BUENOS-AIRES,  
7TH SEPTEMBER, 1889,  
BETWEEN BRAZIL AND THE ARGENTINE  
REPUBLIC.

(Translated from the Portuguese.)

TREATY OF THE 7TH OF SEPTEMBER 1889, BETWEEN  
BRAZIL AND THE ARGENTINE REPUBLIC, SUBMITTING  
THEIR BOUNDARY CONTROVERSY TO THE ARBITRATION  
OF THE PRESIDENT OF THE UNITED STATES OF  
AMERICA.

*Decree No. 10,423 of the 5th of November 1889, Promul-  
gating the Treaty for the prompt solution of the boundary  
question pending between Brazil and the Argentine Republic.*

A TREATY FOR THE PROMPT SOLUTION OF THE  
BOUNDARY QUESTION PENDING BETWEEN BRAZIL  
AND THE ARGENTINE REPUBLIC having been concluded  
and signed at the city of Buenos Aires on the seventh  
day of the month of September of the present year;  
this Treaty having been mutually ratified, the  
ratification thereof having been exchanged in this City on the 4th of the current month of November, I hereby command that it shall be  
observed and fulfilled in all the integrity of its contents.

Promulga-  
tion of the  
Treaty.

JOSÉ FRANCISCO DIANA, a Member of My Council,  
Minister and Secretary of State for Foreign Affairs, will so  
understand it and cause it to be put into execution.

Palace of Rio de Janeiro, on the 5th of November, 1889, the 68th year of the Independence and of the Empire.

*Under the sign-manual of HIS MAJESTY THE EMPEROR (D. P 2º. I.).*

J. FRANCISCO DIANA.

WE DOM PEDRO THE SECOND, CONSTITUTIONAL EMPEROR AND PERPETUAL DEFENDER OF BRAZIL, ETC., Hereby make known to all whom the present Letters of Preamble. Approbation, Confirmation, and Ratification may of the Rati- concern, that on the seventh day of the month of fication. September of the present year a Treaty for the prompt solution of the boundary question between the Empire and the Argentine Republic was concluded and signed at the City of Buenos Ayres between Us and the President of the said Republic by the respective Plenipotentiaries, furnished with the requisite Full Powers, and that the Treaty is in the following terms :

HIS MAJESTY THE EMPEROR OF BRAZIL AND HIS EXCELLENCY THE PRESIDENT OF THE ARGENTINE REPUBLIC, desiring to solve as speedily as possible the boundary question pending between the two States, have agreed, without prejudice to the Preamble of the Arbitration Treaty. Treaty of the 28th of September, 1885, to fix a term for the conclusion of the discussion of right, and, in the event of their not succeeding in coming to an understanding, to submit the same question to the arbitration of a friendly Government, and, as to this end a Treaty is necessary, they have appointed their Plenipotentiaries, that is to say :

HIS MAJESTY THE EMPEROR OF BRAZIL, the BARON DE ALENCAR, a Member of His Council, His Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic ; HIS EXCELLENCY THE PRESIDENT OF THE ARGENTINE REPUBLIC, DR. D. NORBERTO QUIRNO COSTA, His Minister and Secretary for the Home Department, and, *ad interim*, for Foreign Affairs ;

Who, after having communicated to each other their Full Powers, which were found in good and due form, agreed upon the following articles :

## ART. 1.

The discussion of the right which each of the High Contracting Parties believes itself to have to the territory in litigation between them shall be closed within the term of ninety days reckoned from the conclusion of the survey of the ground in which the sources of the rivers Chapecó or Pequirí-Guaçú and Jangada or Santo Antonio-Guaçú are situated.

Date for closing the discussion on the boundary question.

Such survey will be understood to have been concluded on the day when the Commissions appointed by virtue of the Treaty of the 28th of September, 1885, shall present to their Governments the Reports and Plans referred to in Article 4 of the said Treaty.

## ART. 2.

If the term mentioned in the preceding Article should expire without any friendly solution, the question shall be submitted to the arbitration of the PRESIDENT OF THE UNITED STATES OF AMERICA, to whom the High Contracting Parties shall apply within the sixty following days, requesting him to accept that function.

The President of the U. S. A. to be the Arbitrator.

## ART. 3.

If the PRESIDENT OF THE UNITED STATES OF AMERICA should refuse, the High Contracting Parties shall select, within sixty days of the refusal, another Arbitrator, either in Europe or America; and, in the event of any other refusal, they shall proceed in the same manner.

If he refuses.

## ART. 4.

The invitation being accepted, each of the High Contracting Parties will, within twelve months reckoned from the date of the receipt of the respective communication, present to the Arbitrator a Statement accompanied by all documents and titles tending to the defence of its right. This being done, no

Statements to the Arbitrator.

further addition can be made, except at the request of the Arbitrator, who will have the right to order all necessary information.

**No addition except at his request.**

## ART. 5.

The frontier shall be constituted by the rivers which Brazil or the Argentine Republic have designated, and the Arbitrator shall be invited to pronounce in favor of one or the other of the Parties as he may consider just after due investigation of the reasons and documents produced.

**No division of the contested territory.**

## ART. 6.

The award shall be given within the term of twelve months reckoned from the date of the presentation of the Statements, or of the more recent, if they shall not have been presented at the same time by both Parties. It shall be definitive and obligatory, and nothing shall be alleged as a reason for hindering its fulfilment.

**The award within one year.**  
**Definitive and obligatory.**

## ART. 7.

The present Treaty shall be ratified and the ratifications shall be exchanged at the city of Rio de Janeiro, within the shortest possible term.

**Term for the ratification of this Treaty.** In witness whereof the Plenipotentiaries of the Empire of Brazil and of the Argentine Republic sign the said Treaty and set their seals thereto, at the city of Buenos-Aires, on the 7th day of the month of September, 1889.

[L. S.] BARÃO DE ALENCAR.

[L. S.] N. QUIRNO COSTA.

AND THE SAME ABOVE-INSERTED TREATY BEING BEFORE US, and We, having well seen, considered, and examined everything it contains, Approve, Confirm, and Ratify it, both as a whole and in each of its Articles and stipulations; and We hereby Pronounce

**Ratification.**

it as firm and valid to produce its due effect, Promising on Our Imperial Faith and Word to fulfil it inviolably, and Cause it to be fulfilled and observed in every possible way.

In witness and firmness whereof, We have commanded the present Letters to be issued, signed by Us, sealed with the Seal of the Arms of the Empire, and countersigned by the undersigned Minister and Secretary of State.

Given in the Palace of Rio de Janeiro on the second day of the month of November, of the year of the Birth of OUR LORD JESUS CHRIST, one thousand eight hundred and eighty-nine.

[L. S.] PEDRO IMPERADOR.

JOSÉ FRANCISCO DIANA.



**TREATY OF MONTEVIDEO,**

**25TH JANUARY, 1890,**

**SIGNED BY THE REPRESENTATIVES OF THE PROVISIONAL  
GOVERNMENT OF BRAZIL AND OF THE ARGENTINE REPUB-  
LIC, FOR THE DIVISION OF THE CONTESTED TERRITORY.**

*(Rejected by the Brazilian Congress.)*





## TREATY OF MONTEVIDEO,

25TH JANUARY, 1890,

FOR THE DIVISION OF THE CONTESTED TERRITORY.

*(Rejected by the Brazilian Congress the 10th of August, 1891.)*<sup>1</sup>

TREATY SIGNED AT MONTEVIDEO, THE 25TH JANUARY, 1890, BY THE REPRESENTATIVES OF THE PROVISIONAL GOVERNMENT OF BRAZIL AND THOSE OF THE ARGENTINE REPUBLIC, FOR THE DIVISION OF THE CONTESTED TERRITORY.

(Translated from the Portuguese.)

UNDER THE AUSPICES OF THE INSTITUTIONAL UNITY OF AMERICA, and in the name of the sentiments of fraternity which should subsist between all the nations of this Continent, the HEAD OF THE PROVISIONAL GOVERNMENT OF THE UNITED STATES OF BRAZIL and the PRESIDENT OF THE ARGENTINE REPUBLIC, desiring to put an end in a mutually friendly and honorable way to the controversy regarding limits which has endured since the colonial times between their respective Nations, have resolved to make a Treaty and have appointed their Plenipotentiaries, that is to say :

H. EX. THE HEAD OF THE PROVISIONAL GOVERNMENT OF THE UNITED STATES OF BRAZIL, H. EX. Senhor QUINTINO BOCAIUVA, His Minister and Secretary of State for Foreign Affairs, and H. EX. the BARON DE ALENCAR, Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic.

Preamble.

Plenipotentiaries.

<sup>1</sup> 143 representatives for the rejection ; 5 for the approval. Vid. the two following documents.

H. Ex. THE PRESIDENT OF THE ARGENTINE REPUBLIC,  
H. Ex. D<sup>ra</sup>. ESTANISLAO S. ZEBALLOS, his Minister and  
Secretary of State in the Department of Foreign Affairs,  
and H. Ex. DON ENRIQUE B. MORENO, Envoy Extraor-  
dinary and Minister Plenipotentiary in Brazil.

Who, after having communicated to each other their Full  
Powers, which were found to be in good and due form, have  
agreed upon the following :

ART. I.

The frontier of the Republic of the United States of Brazil  
and of the Argentine Republic in the litigious territory of  
the Missions<sup>1</sup> begins at the mouth and on the  
**Division of the con- tested territory.** right bank of the Chapecó or Pequiry-Guazú, on  
the Uruguay, crosses the line of the watershed of  
the Iguaçu, and of the Uruguay between the  
Campo Erê and the Campo Sant' Anna, at a point half-way  
between the house Coelho, on the first Campo, and the  
bridge of Passo do Rio Sant' Anna, on the road to the Serra  
da Fartura, according to the Map of the Joint Commission  
that explored the said territory, and terminates at the  
mouth and on the left bank of the Chopim on the  
**Arbitrary boundary line.** Iguaçu. Between each of the extreme points  
and the central one, the boundary line shall be  
directed in such a manner that, taking advantage  
of the best natural limits, it may save the villages of either  
Nation it may meet with in its course,<sup>2</sup> and shall only be  
formed by straight lines where this may be unavoidable,  
Brazil retaining exclusive possession, throughout the whole  
of their course, of the said rivers Chapecó and Chopim.

<sup>1</sup> The contested territory was never a part of the Province named Misiones (Missions). There never was in this territory any mission or settlement of the Jesuits of the Province of Paraguay, or of the Spaniards.

<sup>2</sup> This line could not meet any Argentine village, because there is not, neither has there ever been, in this territory, any Argentine settlement whatsoever. According to the last census (31 December, 1890), the population of the contested territory numbers 5,793 inhabitants, of whom only 8 were born in the Argentine Republic. These 8 were, however, all of Brazilian nationality, viz. : 1 minor, born of Brazilian parents ; 2 women married to Brazilians ; 4 men and 1 woman, naturalized Brazilians. There was not a single Argentine citizen.

## ART. 2.

The High Contracting Parties bind themselves to respect the right of possession of such settlers as, after the demarcation of the boundary line, may remain on either side; and to grant them title-deeds of their property, provided they prove that they were already settlers a year before the present date, with establishments of a permanent nature. **Settlers on the border.**

## ART. 3.

The two High Contracting Parties shall in due time come to an understanding on the organization of a Joint Commission which shall draw the boundary line, and shall by common accord give the said Commissioners the necessary instructions. **Joint Commission.**

## ART. 4.

The Joint Commission shall draw up a project of the boundary line, in conformity with Article 1 of this Treaty, and with the Instructions referred to in Article 3, and when the said project shall have been approved by both Governments, the demarcation shall be made on the ground, should this be judged necessary by the High Contracting Parties. **A project to be presented. Demarcation.**

## ART. 5.

This Treaty shall be ratified and the ratifications shall be exchanged at the city of Rio de Janeiro immediately after its approbation by the CONSTITUENT ASSEMBLY OF THE UNITED STATES OF BRAZIL and by the ARGENTINE CONGRESS. **Approval by Legislative Power necessary.**

In witness whereof the aforesaid Plenipotentiaries sign and seal the said Treaty at the city of Montevideo on the twenty-fifth of January one thousand eight hundred and ninety.

[L. S.] Q. BOCAYUVA.

[L. S.] BARÃO DE ALENCAR.

[L. S.] ESTANISLAO S. ZEBALLOS.

[L. S.] ENRIQUE B. MORENO.

REPORT OF THE SPECIAL COMMITTEE OF THE  
BRAZILIAN CHAMBER OF DEPUTIES UPON  
THE TREATY OF THE 25TH OF JANUARY,  
1890.

**T**HE SPECIAL COMMITTEE appointed to examine the Treaty of Limits between Brazil and the Argentine Republic, signed at Montevideo on the 25th of January, 1890, and to report thereon, now comes to discharge its honorable task.

In order to form a sound judgment of the Treaty upon its merits (*de meritis*), the Committee endeavored before all things to study from the very beginning the much-debated and century-old boundary question so as to become thoroughly acquainted with the historical bases on which our rights to the territory claimed by the Argentines are founded.

In order to succeed in this endeavor it had to examine, by assiduous, long, and conscientious investigation, the historical facts bearing upon the limits of the Portuguese and Spanish possessions in South America, and particularly those relating to the region comprised between the rivers Uruguay and Iguassú.

It had access to numerous documents, all of the greatest value, which, at its request, were placed at its disposal by the Ministry for Foreign Affairs.

The methodical study of instruments so complete, clear, detailed, and rich in information as those examined by the Committee is quite sufficient to convince the most exacting minds.

Nevertheless, the Committee carried its scrupulousness so far as to refrain from declaring itself satisfied with them.

It did not wish to exclude any element that might contribute to the elucidation of this great controversy, and requested the presence of Senator QUINTINO BOCAYUVA and of the VISCOUNT DE CABO-FRIO, the former, the negotiator of the Treaty, and the latter, the Director General of the Foreign Office and the author of numerous and important diplomatic documents on the subject.

The Committee also heard the evidence of two of the Commissioners who had made a survey of the litigious territory.

Having thus fulfilled its duty by putting into requisition all such means as it considered necessary and conducive to the clearing up of the subject, wholly satisfied and properly enlightened by the great number of data it has collected in the course of its patient investigations, the Committee considers itself thoroughly qualified to give its opinion on the Treaty of Montevideo, an opinion it has the honor to submit to the high consideration of the Chamber of Representatives in the following terms :

CONSIDERING that the territory situated to the East of the rivers Pepiry-Guaçú and Santo Antonio, and bounded on the North by the river Iguaçú and on the South by the river Uruguay, belongs by right and in fact to Brazil :

*It belongs to Brazil by right :*

1st. Because the Treaty of the 13th of January, 1750, which was the first serious attempt made by the Courts of Lisbon and Madrid to define the boundaries of their possessions, acknowledges positively the possession by Portugal of the territory situated to the East of that line. The rights of Brazil.

Although this Treaty was annulled by that of 1761, the fact subsists as to the recognition of possession anterior to it and not originating therein.

2d. Because the Treaty of 1777 in Article the 8th stipulates that the boundary line shall pass along the rivers Pepiry-Guaçú and Santo Antonio, thus retaining the name

of Pepiry-Guaçú which the first explorers gave to the river Pequirí in the Treaty of 1750, so as not to confound it with that of the same name which flows into the Paraná close to the Salto de Guayra; giving to the river which they ascended, and whose sources were said to be in front of those of the Pepiry-Guaçú, the same name of Santo Antonio.

If this fact of retaining the names, which is so conclusive as to convince the most doubting minds that the Courts had in view the renewal of Article the 5th of the Treaty of 1750 were insufficient, appeal could be made also to the Instructions of the Spanish Government, signed by the Minister, D. JOSÉ GÁLVEZ, in Aranjues, and bearing the date of 6th June, 1778, and to those of the Viceroy of Buenos-Ayres, D. JUAN JOSÉ DE VERTIZ, with the respective Plan of Operations, where the positions and characteristic features of the mouths of the Pepiry-Guaçú and Santo Antonio are determined in the most positive manner.

3d. Because these two rivers, mentioned in these Treaties are the same which the First Party of the Joint Commission of limits surveyed in 1887.

These rivers appear in the general Map of the Joint Commission, in the partial plans, in the field-books, in the Records and Diaries, under the same names as were given to them by the Treaty of 1777, and these names are to be found in the classical Map of D. JUAN DE LA CRUZ CAÑO Y OLMEDILLA, Royal Geographer of Spain, and in others.

The Joint Commission of limits verified that all the topographical accidents characteristic of the mouth of the Pepiry-Guaçú and of its neighborhood in Uruguay, as well as those of the mouth and course of the Santo Antonio, which are described and noted in the diaries of the surveyors of the last century (the former and the second surveyors) and in the Instructions of the Spanish Government and of the Spanish Commissioners, agree exactly with the observations made on the spot.

4th. Because the river Chapecó, which the Spanish Commissioners on the second demarcation called Pequirí-

Guazú, a name which the Argentines retained, was not known, and never appeared in any Map whatever, nor in any other document, under that name or any other, before it was noted by the Spanish geographer D. JOAQUIN GUNDIN.

The signs given for the recognition of the Pepiry-Guaçú to the second Demarcating Commissioners are the same as are met with at the mouth of this river, and differ considerably from those which were stated by the Spaniards to exist at the mouth of the Chapecó.

From the discovery of the Chapecó resulted the San Antonio-Guazú of OYÁRVIDE, which is the River Jangada of the Brazilians, and which the Argentines now claim for their frontier on the side of the basin of the Iguaçu.

Neither the name of the Pequiry-Guazú nor that of the S. Antonio-Guazú appears in the Treaty of 1777. They are much later inventions, and only served to raise doubts which impeded the progress of the explorations, without helping the Spanish Commissioners to attain their object, for it does not appear from any public record or document that the Court of Madrid approved, sanctioned, or even took any notice of the fact of the discovery of the geographer GUNDIN or of the doubts which arose among the Commissioners.

It may be added that the San Antonio-Guazú was explored only a few kilometres below its source.

The fact of this river being the nearest to the Chapecó, which flows into the Iguaçu, is of no value as to the question of right; because not only the Chapecó is not the Pepiry-Guaçú, but the S. Antonio-Guazú of OYÁRVIDE is not the Santo Antonio of Article 8 of the Treaty of 1777, in which no reference is made to the nearest river.

5th. Because it is Article 8 of the Treaty of October the 1st, 1777, that defines the boundaries of Brazil in this region with the Argentine Republic, although it was a Preliminary Treaty, although it was not renewed by that of Badajoz in 1801, although the Brazilian Government declared it to be null and void, and although Treaties are only binding on the contracting parties, and that one was made between Portugal and Spain.

Article 8 of the Treaty of 1777 is in full force because the Argentine Republic accepts it, because the Brazilian Government, although it denies the validity of the Treaty as a whole, accepts it in this particular; because, lastly, extinct Treaties can be renewed or re-established by the mutual consent, expressed or understood, of the contracting parties or acceptors; and Brazil and the Argentine Republic more than once have declared in public and reliable documents, the latter that the Treaty of the 1st of October, 1777, known as the Treaty of S. Ildefonso, never ceased to be valid, and as such has always upheld it; and the former that, though considering it null and void, it admits Article 8 as governing the question of limits.

*It belongs to Brazil de facto :*

1st. Because Brazil exercises its sovereignty and eminent domain over the territory now in dispute where there are administrative, judicial, and police authorities, where it imposes and collects taxes, and whose effective possession shows itself in the most convincing way by the existence of villages and a town (Palmas) the head of a judicial division (*comarca*), of industrial establishments, highroads, bridges, and other engineering works, telegraph lines, and, lastly, a population of about 8,000 souls, consisting exclusively of Brazilians, among whom there is not a single Argentine citizen<sup>1</sup>;

2d. Because neither Spain, in the colonial period, nor the Argentine Republic since its separation from the mother-country, ever occupied any part of the territory situated to the East of the line of the rivers Pepiry-Guaçú and Santo Antonio, revealing an *animus possidendi*.<sup>2</sup>

It must be borne in mind, and it is of great importance

<sup>1</sup> 5,793 inhabitants the 31st Dec., 1890, namely, 5,763 Brazilians and 30 foreigners, but not a single Argentine citizen.

<sup>2</sup> The only Spaniards who ever visited this territory were the members of the Joint Commissions for the demarcation last century. The Argentines never occupied, even temporarily, any point of the territory to the East of the rivers Pepiry-Guaçú and S. Antonio, while the first settlements to the West of those rivers were founded and are inhabited principally by Brazilians.



to show that, till a very recent period, the Argentine Republic never attempted to enter the territory it now claims,—that in 1866 the Brazilian Government, engaged in the great struggle with the Dictator of Paraguay, ordered communications to be opened towards the river Paraná by the distinguished military engineers JERONYMO JARDIM and ALVARO DE OLIVEIRA, at that time 1st lieutenants. From the report signed by General JARDIM, the explorer of 1866, it is proved that there was at that time no road or track connecting the territory and the neighbouring Republic. It was he who cut through that pathless forest giving names to places and setting up landmarks.

CONSIDERING the reasons already adduced, and others which exist in considerable numbers and which corroborate in the most conclusive manner the conviction which the Committee entertains of the legitimacy of the Brazilian claim to the territory which the late Imperial Government, although fully convinced of our right, permitted to be considered as litigious; that this right is unshaken and unquestionable, both by the light of historical documents and proved by written conventional law, and, finally, taking as a basis the principle of *uti possidetis* both effective and real, justified by long, ancient, effective, and undisturbed possession;

CONSIDERING that the Treaty of Montevideo admitted the division of territory;

CONSIDERING that by force of the same Treaty there is left to pertain to the Argentine Republic a considerable area of territory inhabited by our fellow-countrymen whose lands are registered in our archives, who have always obeyed our authorities, and who always considered that they were lighting their hearths in the territory of their fatherland;

CONSIDERING, finally, that the Treaty of Montevideo ought not to annul that of the 5th November, 1889,<sup>1</sup> which established arbitration as a last resort, laid down as a rule

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<sup>1</sup> The Treaty of the 7th September, 1889, submitting the controversy to the arbitration of the President of the United States of America. The above-quoted date (5th November) is that of the promulgation of this Treaty in Brazil.

in the Constitution of the Republic for the solution of international questions :

THE COMMITTEE IS OF OPINION that the Chamber of Deputies must not give its sanction to the Treaty of Limits signed at Montevideo on the 25th January, 1890.

Hall of the House, 6th August, 1891.—DIONYSIO E. DE CASTRO CERQUEIRA, Committee-reporter (Relator).—BERNARDINO DE CAMPOS.—DR. JOSÉ AUGUSTO DE FREITAS.—JOAQUIM FRANCISCO DE ABREU.—ALCINDO GUANABARA.—ANNIBAL FALCÃO.—F. A. ROSA E SILVA.—D. MANHÃES BARRETO.—NILO PEÇANHA, against the report.

REJECTION OF THE TREATY OF 25TH JANU-  
ARY, 1890, BY THE CHAMBER OF  
DEPUTIES OF BRAZIL.

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SITTING OF 10TH AUGUST, 1891.—PRESENT 148 DEPU-  
TIES.—SENHOR MATTA MACHADO IN THE CHAIR.

THE Report of the Special Committee proposing the rejection of the Treaty of 25th January, 1890, was passed by 142 ayes against 5 noes.

*For the rejection of the Treaty :*

UCHÔA RODRIGUES, SERZEDELLO CORREA, NINA RIBEIRO, PEDRO CHERMONT, MATTA BACELLAR, COSTA RODRIGUES, CASIMIRO JUNIOR, RODRIGUES FERNANDES, HENRIQUE DE CARVALHO, ANFRISO FIALHO, NOGUEIRA PARANAGUÁ, NELSON, PIRES FERREIRA, MARTINHO RODRIGUES, BARBOSA LIMA, BEZERRIL, JOÃO LOPES, JUSTINIANO DE SERPA, FREDERICO BORGES, JOSÉ AVELINO, JOSÉ BEVILACQUA, GONÇALO DE LAGOS, NASCIMENTO, PEDRO VELHO, MIGUEL CASTRO, AMORIM GARCIA, EPITACIO PESSOA, COUTO CARTAXO, SÁ ANDRADE, RETUMBA, TOLENTINO DE CARVALHO, GONÇALVES FERREIRA, JOSÉ MARIANO, JOAQUIM PERNAMBUCO, JUVENCIO DE AGUIAR, ANDRÉ CAVALCANTI, RAYMUNDO BANDEIRA, ANNIBAL FALCÃO, MEIRA DE VASCONCELLOS, JOÃO DE SIQUEIRA, LUIZ DE ANDRADE, ESPIRITO SANTO, BELARMINO CARNEIRO, OITICICA, GABINO BESOURO, IVO DO PRADO, OLIVEIRA VALLADÃO, LEANDRO MACIEL, FELISBELLO

FREIRE, AUGUSTO DE FREITAS, PAULA ARGOLLO, TOSTA, SEABRA, ZAMA, ARTHUR RIOS, GARCIA PIRES, MARCOLINO MOURA, SEVERINO VIEIRA, SANTOS PEREIRA, CUSTODIO DE MELLO, MILTON, AMPHILOPHIO DE CARYALHO, FRANCISCO SODRÉ, CASTRO CERQUEIRA, LEOVIGILDO FILGUEIRAS, BARÃO DE SÃO MARCOS, LANDULFO MEDRADO, PIRES E ALBUQUERQUE, PRISCO PARAISO, MONIZ FREIRE, ATHAYDE JUNIOR, FONSECA E SILVA, MANHÃES BARRETO, ALBERTO BRANDÃO, OLIVEIRA PINTO, VIRGILIO PESSOA, FRANÇA CARVALHO, BAPTISTA DA MOTTA, FRÓES DA CRUZ, ALCINDO GUANABARA, SAMPAIO FERAZ, JACQUES OURIQUE, \*ARISTIDES LOBO, FURQUIM WERNECK, VINHAES, THOMAZ DELFINO, ANTONIO OLYNTHO, BADARÓ, PACIFICO MASCARENHAS, LEONEL FILHO, CHAGAS LOBATO, ALEXANDRE STOCKLER, COSTA SENNA, ALVARO BOTELHO, GONÇALVES CHAVES, AMERICO LUZ, FELICIANO PENNA, DUTRA NICACIO, MANOEL FULGENCIO, ASTOLPHO PIO, ARISTIDES MAIA, GONÇALVES RAMOS, CARLOS DAS CHAGAS, FRANCISCO AMARAL, DOMINGOS ROCHA, COSTA MACHADO, DOMINGOS PORTO, BUENO DE PAIVA, JOÃO LUIZ, MARTINHO PRADO, BERNARDINO DE CAMPOS, \*FRANCISCO GLYCERIO, CESARIO MOTTA, MORAES BARROS, DOMINGOS DE MORAES, ADOLPHO GORDO, CARVALHAL, ANGELO PINHEIRO, PAULINO CARLOS, COSTA JUNIOR, RODRIGUES ALVES, ALFREDO ELLIS, ALMEIDA NOGUEIRA, LEOPOLDO DE BULHÕES, GUIMARÃES NATAL, ANTONIO DE AZEREDO, CAETANO DE ALBUQUERQUE, MARCIANO DE MAGALHÃES, EDUARDO GONÇALVES, FERNANDO SIMAS, LAURO MÜLLER, CARLOS CAMPOS, SCHMIDT, LACERDA COUTINHO, VICTORINO MONTEIRO, PEREIRA DA COSTA, ANTÃO DE FARIA, BORGES DE MEDEIROS, ALCIDES LIMA, J. F. DE ABREU, CASSIANO DO NASCIMENTO, and \*DEMETRIO RIBEIRO—142.

*For the approval of the Treaty.*

NILO PEÇANHA, JACOB DA PAIXÃO, CORREA RABELLO, MOREIRA DA SILVA, and BELLARMINO DE MENDONÇA—5.

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\* Deputies whose names are preceded by the sign \* were members of the Provisional Government.

**SUMMARY OF THE CENSUS OF THE POPULATION**

**IN THE**

**COMARCA (JUDICIAL DIVISION) OF PALMAS, STATE OF PARANÁ,**

**ON THE 31ST DECEMBER, 1890,**

**THE DATE OF THE LAST GENERAL CENSUS OF THE POPU-  
LATION OF THE UNITED STATES OF BRAZIL.**



COMARCA (JUDICIAL DIVISION) OF PALMAS, STATE OF PARANÁ, BRAZIL.

SUMMARY OF THE STATISTICS OF URBAN AND RURAL

HOUSE PROPERTY (ESTATISTICA PRÉDIAL), THE 31ST DECEMBER, 1890.

| Co-marca. | Town-ships.        | Parishes.   | Policial Districts.             | Urban and Rural Houses.      |                   | Total. |   |
|-----------|--------------------|---|---------------------------------|------------------------------|-------------------|--------|---|
|           |                    |   |                                 | Brazilian national property. | Private property. |        |   |
| Palmas.   | Palmas.            | <i>Senhor Bom Jesus de Palmas.</i><br><i>Nossa Senhora da Luz da Boa-Vista.</i> | <b>Palmas</b> .....             | 8 .....                      | 315 .....         | 323    | On the territory claimed by the Argentine Republic. |
|           |                    |   | PALMAS DO SUL .....             | .....                        | 116 .....         | 116    |   |
|           |                    |   | BOA-VISTA .....                 | .....                        | 211 .....         | 211    |   |
|           |                    |   | CAMPO ERÊ .....                 | .....                        | 63 .....          | 63     |   |
|           |                    |   | MANGUEIRINHA .....              | .....                        | 182 .....         | 182    |   |
|           |                    |   | CHOPIM (Military Colony) .....  | 31 .....                     | 78 .....          | 109    |   |
|           |                    |   | <i>Total</i> .....              | 39 .....                     | 965 .....         | 1,004  |   |
|           | União da Victoria. | <i>Nossa Senhora da União da Victoria.</i>                                      | PASSO DO CARNEIRO .....         | .....                        | 192 .....         | 192    |   |
|           |                    |   | XANXERÊ (Military Colony) ..... | 26 .....                     | 80 .....          | 106    |   |
|           |                    |   | <b>União da Victoria</b> .....  | 5 .....                      | 340 .....         | 345    |   |
|           |                    |   | <i>Total</i> .....              | 70 .....                     | 1,577 .....       | 1,647  |   |

# GENERAL CENSUS OF THE POPULATION OF THE UNITED STATES OF BRAZIL ON THE 31ST OF DECEMBER, 1890.

SUMMARY OF THE CENSUS OF THE POPULATION IN THE COMARCA (JUDICIAL DIVISION) OF PALMAS,  
STATE OF PARANÁ, BRAZIL.

No 1.

| DISTRICTS.                     | Number of families. | Number of inhabitants. | SEX.   |          | RACE.   |          |          |           | CONDITION. |          |          |           | RELIGION.     |              |       |                  |              |
|--------------------------------|---------------------|------------------------|--------|----------|---------|----------|----------|-----------|------------|----------|----------|-----------|---------------|--------------|-------|------------------|--------------|
|                                |                     |                        | Males. | Females. | Whites. | Indians. | Negroes. | Mulattos. | Single.    | Married. | Widowed. | Divorced. | R. Catholics. | Protestants. | Jews. | Other religions. | No religion. |
| <b>Palmas</b> .....            | 281                 | 1,736                  | 978    | 758      | 1,034   | 164      | 161      | 377       | 1,141      | 526      | 54       | 15        | 1,703         | 33           | ..... | .....            | .....        |
| PALMAS DO SUL.....             | 147                 | 1,160                  | 612    | 548      | 423     | 369      | 76       | 292       | 842        | 285      | 32       | 1         | 1,036         | .....        | ..... | 124              | .....        |
| BOA VISTA.....                 | 211                 | 1,020                  | 553    | 467      | 608     | 138      | 64       | 210       | 671        | 316      | 28       | 5         | 1,020         | .....        | ..... | .....            | .....        |
| CAMPO ERÊ.....                 | 63                  | 300                    | 166    | 134      | 117     | 149      | 17       | 17        | 186        | 99       | 15       | .....     | 300           | .....        | ..... | .....            | .....        |
| MANGUEIRINHA.....              | 182                 | 1,048                  | 562    | 486      | 431     | 233      | 94       | 290       | 658        | 354      | 36       | .....     | 1,048         | .....        | ..... | .....            | .....        |
| CHOPTM (Military Colony).....  | 153                 | 529                    | 300    | 229      | 228     | 126      | 28       | 147       | 328        | 184      | 17       | .....     | 514           | 15           | ..... | .....            | .....        |
| <i>Total</i> .....             | 1,037               | 5,793                  | 3,171  | 2,622    | 2,841   | 1,179    | 440      | 1,333     | 3,826      | 1,764    | 182      | 21        | .....         | .....        | ..... | .....            | .....        |
| PASSO DO CARNEIRO.             | 191                 | 753                    | 402    | 351      | 367     | 245      | 22       | 119       | 516        | 219      | 14       | 4         | 753           | .....        | ..... | .....            | .....        |
| XANXERÊ (Military Colony)..... | 99                  | 522                    | 284    | 238      | 169     | 151      | 20       | 182       | 328        | 178      | 15       | 1         | 520           | .....        | ..... | .....            | .....        |
| <b>União da Vitória</b> .....  | 344                 | 2,523                  | 1,491  | 1,042    | 1,382   | 499      | 187      | 465       | 1,709      | 728      | 88       | 8         | 2,470         | 59           | 2     | .....            | 4            |
| <i>Total</i> .....             | 1,671               | 9,601                  | 5,348  | 4,253    | 4,759   | 2,074    | 669      | 2,099     | 6,379      | 2,889    | 299      | 34        | 9,364         | 107          | 2     | 124              | 4            |
|                                |                     |                        | 9,601  |          | 9,601   |          |          |           | 9,601      |          |          | 9,601     |               |              |       |                  |              |

Townships.

In the territory claimed by the Argentine Republic.

Palmas.

União da Vitória.



GENERAL CENSUS OF THE POPULATION OF THE UNITED STATES OF BRAZIL  
ON THE 31ST OF DECEMBER, 1890.  
SUMMARY OF THE CENSUS OF THE POPULATION IN THE COMARCA (JUDICIAL DIVISION) OF  
PALMAS, STATE OF PARANÁ, BRAZIL.  
**Nº 2.**

| DISTRICTS.  | NATIONALITY.    |       |        |                            |       |        |             |       |        |        |       |
|---|-----------------|-------|--------|----------------------------|-------|--------|-------------|-------|--------|--------|-------|
|   | Brazilians.     |       |        |                            |       |        |             |       |        |        | Total |
|   | Born in Brazil. |       |        | Born in foreign countries. |       |        | Brazilians. |       |        | Total. |       |
|   | Males.          |       | Total. | Males.                     |       | Total. | Males.      |       | Total. |        |       |
|   | Females.        |       |        | Females.                   |       |        | Females.    |       |        |        |       |
| Palmas .....  | 937             | 745   | 1,682  | 31                         | 7     | 38     | 968         | 752   | 1,720  | 16     |       |
| PALMAS DO SUL.....                                  | 597             | 548   | 1,145  | 10                         | ..... | 10     | 607         | 548   | 1,155  | 5      |       |
| BOA VISTA.....                                      | 541             | 463   | 1,004  | 11                         | 3     | 14     | 552         | 466   | 1,018  | 2      |       |
| CAMPO ERÊ.....                                      | 163             | 129   | 292    | 3                          | 4     | 7      | 166         | 133   | 299    | 1      |       |
| MANGUEIRINHA.....                                   | 547             | 486   | 1,033  | 12                         | ..... | 12     | 559         | 486   | 1,045  | 3      |       |
| CHOPIM (COL. MILR.).....                            | 282             | 217   | 499    | 17                         | 10    | 27     | 299         | 227   | 526    | 3      |       |
| Total .....   | 3,067           | 2,588 | 5,655  | 84                         | 24    | 108    | 3,151       | 2,612 | 5,763  | 30     |       |
| PASSO DO CARNEIRO.....                              | 395             | 343   | 738    | 5                          | 1     | 6      | 400         | 344   | 744    | 2      |       |
| XANXERÊ (COL. MILR. DO CHAPECÓ).                    | 264             | 231   | 495    | 11                         | 5     | 16     | 275         | 236   | 511    | 9      |       |
| União da Victoria .....                             | 1,330           | 1,003 | 2,333  | 97                         | 22    | 119    | 1,427       | 1,025 | 2,452  | 64     |       |
| Total .....   | 5,056           | 4,165 | 9,221  | 197                        | 52    | 249    | 5,253       | 4,217 | 9,470  | 95     |       |
| In the territory claimed by the Argentine Republic. |                 |       |        |                            |       |        |             |       |        | 36     |       |
|   |                 |       |        |                            |       |        |             |       |        | 131    |       |
|   |                 |       |        |                            |       |        |             |       |        | 9,601  |       |

# GENERAL CENSUS OF THE POPULATION OF THE UNITED STATES OF BRAZIL ON THE 31ST OF DECEMBER, 1890.

SUMMARY OF THE CENSUS OF THE POPULATION IN THE COMARCA (JUDICIARY DIVISION) OF PALMAS,  
STATE OF PARANÁ, BRAZIL.

## Nº 3.

| In the territory claimed by the Argentine Republic. | DISTRICTS.                     | INHABITANTS BORN IN FOREIGN COUNTRIES. |                |          |         |        |                |        |           |           |         |              |         |          |                | Total |
|---|--------------------------------|--|----------------|----------|---------|--------|----------------|--------|-----------|-----------|---------|--------------|---------|----------|----------------|-------|
|   |                                | Germany.                               | Argentine Rep. | Austria. | France. | Spain. | Great Britain. | Italy. | Paraguay. | Portugal. | Russia. | Switzerland. | Turkey. | Uruguay. | Other coun'ts. |       |
|   | <b>Palmas</b> .....            | 30                                     | ...            | 1        | 3       | 1      | ...            | 5      | 2         | 2         | 4       | ...          | 2       | ....     | 4              | 54    |
|   | PALMAS DO SUL.....             | 5                                      | 1              | ...      | ...     | 1      | ...            | 2      | ...       | 2         | ...     | 1            | 1       | ....     | 2              | 15    |
|   | BOA VISTA.....                 | 3                                      | 3              | 1        | ...     | ...    | ...            | ...    | ...       | 3         | ...     | ...          | ...     | 2        | 4              | 16    |
|   | CAMPO ERÊ.....                 | 2                                      | ...            | ...      | ...     | ...    | ...            | ...    | 4         | ...       | ...     | ...          | ...     | 2        | ....           | 8     |
|   | MANGUEIRINHA.....              | 5                                      | 2              | ...      | ...     | 1      | ...            | 2      | ...       | 2         | 1       | ...          | ...     | ...      | 2              | 15    |
|   | CHOPIM (Colonia Militar).....  | 11                                     | ...            | 3        | 2       | ...    | ...            | 7      | ...       | ...       | 5       | ...          | ...     | ...      | 2              | 30    |
|   | <i>Total</i> .....             | 54                                     | 8              | 5        | 5       | 3      | ...            | 16     | 6         | 9         | 10      | 1            | 2       | 5        | 14             | 138   |
|   | PASSO DO CARNEIRO.....         | 7                                      | ...            | 2        | ...     | ...    | ...            | ...    | 2         | 4         | ...     | ...          | ...     | ...      | 2              | 15    |
|   | XANXERÊ (Colonia Militar)..... | 6                                      | ...            | 2        | ...     | 11     | ...            | 3      | 1         | 2         | ...     | ...          | ...     | ...      | 2              | 27    |
|   | <b>União da Victoria</b> ..... | 52                                     | 1              | 24       | 3       | 56     | 2              | 49     | ...       | 3         | ...     | 2            | 1       | 1        | 6              | 200   |
|   | <i>Total</i> .....             | 112                                    | 16             | 31       | 8       | 70     | 2              | 68     | 9         | 18        | 10      | 3            | 3       | 6        | 24             | 380   |

N. B.—In this table are included : 1st. The inhabitants of foreign nationality ; 2d. Naturalized Brazilians ; 3d. Foreign women married to Brazilians, and minors born in foreign countries, but of Brazilian parents. The following Table No. 4, shows that the 16 born in the Argentine Republic are all Brazilians.

# GENERAL CENSUS OF THE POPULATION OF THE UNITED STATES OF BRAZIL ON THE 31ST OF DECEMBER, 1890.

COMARCA JUDICIAL DIVISION) OF PALMAS, STATE OF PARANÁ, BRAZIL.

EXTRACT FROM THE INFORMATION CONTAINED IN SEVERAL TABLES DRAWN UP BY THE BRAZILIAN STATISTICAL DEPARTMENT.

## Nº 4.

| DISTRICTS.             | INHABITANTS BORN IN THE ARGENTINE REPUBLIC. |          |        |          |        |          |  |          |        |          |        |          |        |          | Inhabitants of Argentine nationality. |                       |  |
|------------------------|---|----------|--------|----------|--------|----------|--|----------|--------|----------|--------|----------|--------|----------|---------------------------------------|-----------------------|--|
|                        | Date of arrival.                            |          |        |          |        |          | Of these the following are Brazilians. |          |        |          |        |          |        |          |                                       |                       |  |
|                        | Before 1866                                 |          | 1875   |          | 1885   |          | 1886                                   |          | 1890   |          | Total. |          | Total. |          |                                       |                       |  |
|                        | Males.                                      | Females. | Males. | Females. | Males. | Females. | Males.                                 | Females. | Males. | Females. | Males. | Females. | Males. | Females. |                                       | Total to be deducted. |  |
| Palmas.....            | 1   | 2        | 2      | 0        | 1      | 0        | 0                                      | 1        | 5      | 3        | 8      | 0        | 0      | 0        | 0                                     |                       |  |
| PALMAS DO SUL.....     |   |          |        |          |        |          |  |          |        |          |        | 1        | 0      | 1        | 0                                     |                       |  |
| BOA VISTA.....         |   |          |        |          |        |          |  |          |        |          |        |          | 1      | 2        | 3                                     |                       |  |
| CAMPO ERÊ.....         |   |          |        |          |        |          |  |          |        |          |        |          | 1      | 1        | 2                                     |                       |  |
| MANGUEIRINHA.....      |   |          |        |          |        |          |  |          |        |          |        |          | 2      | 2        | 0                                     |                       |  |
| CHOPIM.....            |   |          |        |          |        |          |  |          |        |          |        |          | 0      | 0        | 0                                     |                       |  |
| Total.....             | 1   | 2        | 2      | 0        | 1      | 0        | 0                                      | 1        | 5      | 3        | 8      | 0        | 0      | 0        | 0                                     |                       |  |
| PASSO DO CARNEIRO..... |   |          |        |          |        |          |  |          |        |          |        |          | 1      | 6        | 7                                     |                       |  |
| XANXERÊ.....           |   |          |        |          |        |          |  |          |        |          |        |          | 0      | 0        | 0                                     |                       |  |
| Uniao da Victoria..... |   |          |        |          |        |          |  |          |        |          |        |          | 1      | 0        | 1                                     |                       |  |
| Total.....             | 1   | 3        | 2      | 0        | 1      | 0        | 2                                      | 5        | 1      | 1        | 7      | 9        | 16     |          | 0                                     |                       |  |

GENERAL CENSUS OF THE POPULATION OF THE UNITED STATES OF BRAZIL ON  
THE 31ST OF DECEMBER, 1890.  
SUMMARY OF THE CENSUS OF THE POPULATION IN THE COMARCA (JUDICIAL DIVISION) OF PALMAS, STATE OF  
PARANÁ, BRAZIL.

No 5.

| POLICIAL DISTRICTS.      | OCCUPATIONS. |         |            |                |                     |                         |            |                                     |                     |                      |           |           |                        |                    |                 |              |          |                                      |                  |           |                        |                  |              |               |        |                  |             |           |                |                         |                                  |     |
|--------------------------|--------------|---------|------------|----------------|---------------------|-------------------------|------------|-------------------------------------|---------------------|----------------------|-----------|-----------|------------------------|--------------------|-----------------|--------------|----------|--------------------------------------|------------------|-----------|------------------------|------------------|--------------|---------------|--------|------------------|-------------|-----------|----------------|-------------------------|----------------------------------|-----|
|                          | Clergy.      | Law.    |            | Civil service. |                     | Teaching.               |            | Medicine and connected professions. |                     |                      |           |           | Technical occupations. |                    |                 |              |          | Industries : employers and employed. |                  |           |                        |                  |              |               | Total. |                  |             |           |                |                         |                                  |     |
|                          |              | Judges. | Advocates. | Solicitors.    | Federal Government. | Of the State of Paraná. | Municipal. | Professors of letters.              | Professors of arts. | Doctors of medicine. | Chemists. | Midwives. | Dentists.              | Other specialties. | Land surveyors. | Accountants. | Sailors. | Various.                             | Property owners. | Commerce. | Extractive industries. | Cattle breeding. | Agriculture. | Manufactures. |        | Industrial arts. | Conveyance. | Servants. | Not specified. | Occupations not stated. | Women and minors not classified. |     |
|                          |              |         |            |                |                     |                         |            |                                     |                     |                      |           |           |                        |                    |                 |              |          |                                      |                  |           |                        |                  |              |               |        |                  |             |           |                |                         |                                  |     |
| <b>Palmas</b> .....      | 1            | 2       | 1          | 1              | 6                   | 5                       | 1          | 9                                   | 8                   | 1                    | 2         | 1         | 1                      | 1                  | 1               | 4            | ...      | 1                                    | 48               | 46        | ...                    | 57               | 241          | 62            | 38     | 42               | 186         | 110       | 38             | 822                     | 1,736                            |     |
| PALMAS DO SUL.....       | .....        | .....   | .....      | .....          | 1                   | 1                       | 1          | 1                                   | 3                   | .....                | .....     | 1         | .....                  | .....              | .....           | .....        | .....    | .....                                | 6                | 9         | 16                     | 449              | .....        | 10            | .....  | 86               | 65          | 26        | 480            | 1,160                   |                                  |     |
| BOA VISTA.....           | 1            | .....   | .....      | .....          | 1                   | .....                   | .....      | 5                                   | .....               | .....                | .....     | 1         | .....                  | .....              | .....           | 1            | .....    | 3                                    | 19               | .....     | 23                     | 131              | 26           | 17            | 22     | 77               | 138         | 47        | 507            | 1,020                   |                                  |     |
| CAMPO ERÊ.....           | .....        | .....   | .....      | .....          | .....               | .....                   | .....      | 4                                   | .....               | .....                | .....     | .....     | .....                  | .....              | .....           | .....        | .....    | .....                                | 2                | .....     | .....                  | 2                | 6            | 51            | 4      | 3                | .....       | 5         | 23             | 10                      | 192                              | 300 |
| MANGUEIRINHA.....        | .....        | .....   | .....      | .....          | .....               | 1                       | .....      | 3                                   | .....               | .....                | .....     | 1         | .....                  | .....              | .....           | .....        | .....    | .....                                | 2                | 6         | .....                  | 20               | 218          | 2             | 6      | 29               | 42          | 134       | 39             | 545                     | 1,048                            |     |
| CHOPIM.....              | .....        | .....   | .....      | .....          | .....               | .....                   | 43         | .....                               | .....               | .....                | 1         | .....     | .....                  | .....              | .....           | 2*           | .....    | .....                                | 6                | .....     | .....                  | .....            | 77           | .....         | 4      | .....            | 43          | 46        | 7              | 299                     | 529                              |     |
| <b>Total</b> .....       | 2            | 2       | 1          | 1              | 9                   | 5                       | 3          | 53                                  | 23                  | 1                    | 3         | 1         | 3                      | 1                  | 1               | 5            | 2        | 1                                    | 59               | 85        | 9                      | 122              | 1,167        | 94            | 78     | 93               | 439         | 516       | 167            | 2,845                   | 5,793                            |     |
| PASSO DO CARNEIRO..      | .....        | .....   | .....      | .....          | .....               | .....                   | .....      | .....                               | 2                   | .....                | .....     | .....     | .....                  | .....              | .....           | .....        | .....    | .....                                | .....            | 3         | .....                  | 4                | 122          | 7             | 5      | 8                | 48          | 54        | 31             | 469                     | 753                              |     |
| XANXERÊ.....             | .....        | .....   | 1          | 1              | .....               | .....                   | 27         | 1                                   | 1                   | .....                | .....     | .....     | .....                  | .....              | .....           | .....        | .....    | 1                                    | .....            | 5         | .....                  | 1                | 72           | 1             | 8      | 4                | 35          | 41        | 16             | 307                     | 522                              |     |
| <b>União da Victoria</b> | .....        | .....   | .....      | 2              | 194                 | 4                       | .....      | 1                                   | .....               | .....                | .....     | .....     | .....                  | .....              | 1               | 7            | 16*      | 9                                    | 4                | 57        | 1                      | 28               | 379          | 72            | 34     | 46               | 185         | 219       | 147            | 1,127                   | 2,533                            |     |
| <b>Total</b> .....       | 2            | 2       | 1          | 1              | 10                  | 8                       | 3          | 274                                 | 30                  | 1                    | 5         | 1         | 3                      | 2                  | 1               | 12           | 18*      | 11                                   | 63               | 150       | 10                     | 155              | 1,740        | 174           | 125    | 151              | 707         | 830       | 361            | 4,748                   | 9,601                            |     |

N. B.—The Policial authorities have not been classified in this Table because those commissions are held by persons who have other occupations, and thus they are included under the heads indicating their professions.  
\* The sailors enumerated here belong to the crews of the Brazilian steamers *Cruzeiro* and *Visconde de Guarapuava* trading on the Iguaçu.





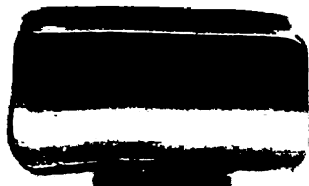












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